

**22718. Adulteration and misbranding of winter wheat bran. U. S. v. The Wheatena Corporation. Plea of nolo contendere. Fine, \$20. (F. & D. no. 32093. Sample no. 17798-A.)**

This case was based on an interstate shipment of a product represented to be pure winter wheat bran, but which was found to consist in part of screenings and scourings, or scourings.

On May 15, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wheatena Corporation, trading at High Spire, Pa., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 10, 1933, from the State of Pennsylvania into the State of Maryland, of a quantity of bran which was adulterated and misbranded. The article was labeled in part: (Tag) "Pure Winter Wheat Bran \* \* \* Manufactured by The Wheatena Corporation High Spire Flour Mills Division High Spire, Pennsylvania."

It was alleged in the information that the article was adulterated in that substances, screenings, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality, and in that substances, screenings and/or scourings, had been substituted in part for pure winter wheat bran, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Pure Winter Wheat Bran", borne on the tag, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article consisted solely of winter wheat bran, whereas it consisted in part of screenings and/or scourings. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, pure winter wheat bran.

On June 5, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$20.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22719. Adulteration and misbranding of butter. U. S. v. Challenge Cream & Butter Association. Plea of guilty. Fine, \$26. (F. & D. no. 32096. Sample no. 23154-A.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On June 16, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Challenge Cream & Butter Association, a corporation, trading at Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 5, 1933, from the State of Utah into the State of Nevada, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Brand Choice Creamery Butter \* \* \* Distributed By Challenge Cream & Butter Ass'n, Salt Lake City."

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled butter so as to deceive and mislead the purchaser, since it was not butter as defined by the said act of Congress, in that it contained less than 80 percent by weight of milk fat.

On July 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$26.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22720. Adulteration and misbranding of butter. U. S. v. Lester O. Casperson (O. Casperson & Sons). Plea of guilty. Fine, \$250. (F. & D. no. 32097. Sample no 23050-A.)**

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent of milk fat and to be short of the labeled weight.

On June 14, 1934, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the