

Rose, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1934, from the State of Wisconsin into the State of Kentucky of a quantity of potatoes which were misbranded. The article was labeled in part: (Tag) "Potatoes U. S. Grade No. 1."

The article was alleged to be misbranded in that the statement, "Potatoes U. S. Grade No. 1", borne on the tag, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist of U. S. Grade No. 1 potatoes but did consist of a lower grade.

On November 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$5.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25227. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$100 and costs.** (F. & D. no. 34072. Sample nos. 71236-A, 661-B.)

This case involved butter, a part of which was deficient in milk fat and a part of which was short in weight.

On July 6, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Tacoma, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about July 9, 1934, from Tacoma, Wash., to Alaska, of a quantity of butter which was adulterated and misbranded. The information further alleged that on or about June 9, 1934, Swift & Co. sold a quantity of butter under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that the said butter had been shipped by the purchaser thereof, the Tacoma Grocery Co., of Tacoma, Wash., on or about June 9, 1934, to Alaska; that it was misbranded in violation of the Food and Drugs Act as amended, and that Swift & Co., the defendant herein, was amenable to prosecution for the violation of the law which would, but for said guaranty, have attached to the shipper. The article was labeled in part: "1 Lb. Net Weight Swift's Premium Quality Brookfield Butter \* \* \* Swift & Company \* \* \* Chicago."

The information alleged that a portion of 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 required by the act of March 4, 1923, which the article purported to be.

Misbranding of the said portion 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 so as to deceive and mislead the purchaser, since said statement represented that the article was butter as defined by law; whereas it was not butter as defined by law, but was a product containing less than 80 percent by weight of milk fat.

Misbranding was alleged with respect to the remainder of the product for the reason that the statement "1 Lb. Net Weight", borne on the packages, was false and misleading; for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages did not each contain 1 pound of the article, but did contain in each of a large number of packages, less than 1 pound; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25228. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$900.** (F. & D. no. 34061. Sample nos. 73852-A, 73855-A, 73857-A.)

This case was based on an interstate shipment of butter which was short in weight.

On July 18, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about June 23, 1934, and in part on or about June 28, 1934, from the State of Oregon into the State of Washington, of quantities of

butter which was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Butter \* \* \* 1 lb. net weight \* \* \* Swift & Company \* \* \* Chicago."

The article was alleged to be misbranded in that the statement, "1 Lb. Net Weight", borne on the labels, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than represented.

On December 3, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$900.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25229. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fines, \$300 on each of three counts. Fines suspended on all counts but first. (F. & D. no. 34067. Sample nos. 73386-A, 73387-A.)**

This case was based on a shipment of butter which was short in weight.

On July 22, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 11, 1934, from the State of Washington to Alaska, of quantities of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight Swift's Premium Quality Brookfield Butter \* \* \* Swift & Company Chicago, U. S. A."

The article was alleged to be misbranded in that the statement, "1 lb. Net Weight", borne on the labels, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since each of a large number of packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On September 30, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$300 on each count of the information. Payment of fines was suspended for 5 years on all counts but the first.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25230. Adulteration of dressed chickens. U. S. v. 6 Barrels of Dressed Chickens. Default decree of condemnation and destruction. (F. & D. no. 35763. Sample no. 33550-B.)**

This case involved a shipment of dressed chickens, samples of which were found to be decomposed.

On July 15, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six barrels of dressed chickens at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1935, by M. J. Goodrich, from Strawberry Point, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 4, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25231. Adulteration of canned tuna. U. S. v. 100 Cases of Canned Tuna. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 35774. Sample no. 15537-B.)**

This case involved a shipment of canned tuna which was in part decomposed.

On or about August 6, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned tuna at Albany, N. Y., alleging that the article had been shipped in