

28085. Adulteration and misbranding of butter. U. S. v. De Luxe Foods Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 38634. Sample No. 13659-C.)

This product contained less than 80 percent of milk fat.

On August 10, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Luxe Foods Corporation, New Orleans, La., alleging that on or about September 10, 1936, the defendant had shipped from the State of Mississippi into the State of Louisiana a quantity of butter which was adulterated and misbranded in violation of the Food and Drugs Act. It was labeled: "Butter * * * De Luxe Foods Corporation, New Orleans, La."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

Misbranding was alleged in that the statement "Butter," borne on the packages, was false and misleading and in that the article was labeled so as to deceive and mislead the purchaser since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923; whereas it contained a less amount.

On February 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28086. Adulteration of crab meat. U. S. v. Charles Wesley Howeth and Robert Howeth (Charles W. Howeth & Bro.). Pleas of guilty. Fine, \$90 and costs. (F. & D. No. 38641. Sample Nos. 6658-B, 7527-C, 7869-C, 7871-C, 7885-C, 7887-C.)

This product contained evidence of the presence of filth.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles Wesley Howeth and Robert Howeth, copartners trading as Charles W. Howeth & Bro., Crisfield, Md., alleging that on or about July 16, 1934, and August 4, 5, 10, 12, and 13, 1936, the defendants had shipped from the State of Maryland into the States of New York and Pennsylvania quantities of crab meat that was adulterated in violation of the Food and Drugs Act.

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

On November 19, 1937, pleas of guilty were entered by the defendants and the court imposed fines totaling \$90, together with costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28087. Adulteration and misbranding of crab meat. U. S. v. William H. T. Coulbourne and Frederick S. Jewett (Coulbourne & Jewett). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 38652. Sample No. 7947-C.)

This product contained evidence of the presence of filth.

On March 17, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. T. Coulbourne and Frederick S. Jewett, copartners trading as Coulbourne & Jewett at St. Michaels, Md., alleging shipment by the defendants on or about August 11, 1936, from the State of Maryland into the State of Pennsylvania of a quantity of crab meat that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Ryan's Brand Extra Fancy Crabmeat Packed expressly for M. J. Ryan, Philadelphia, Pa."

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

Misbranding was alleged in that the label bore the statement "This Can Contains Fresh-picked Crabmeat, Carefully Handled in Strict Accordance with State and National Pure Food Laws"; that the cans did not contain fresh-picked crab meat; that their contents had not been carefully handled in strict accordance with National and State pure food laws; and that the above-quoted statement was false and misleading.

On November 19, 1937, pleas of guilty were entered by the defendants and the court imposed a single fine of \$100, together with costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*