

It was alleged to be adulterated in that citric acid, lime oil, and little, if any, fruit juice had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; and had been substituted wholly or in part for it.

It was alleged to be misbranded in that the statement "Lime Mixer" was false and misleading and tended to deceive and mislead the purchaser when applied to the article.

On December 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29901. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44496. Sample No. 44769-D.)

This product contained less than 80 percent of milk fat.

On December 5, 1938, the United States attorney for the Southern 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 45 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the Spring Valley Butter Co. from Houston, Tex.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

On December 13, 1938, the Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

29902. Misbranding of cottonseed meal. U. S. v. Honey Grove Cotton Oil Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. 40822. Sample No. 663-C.)

This product contained less protein and more fiber than declared.

On April 29, 1938, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Honey Grove Cotton Oil Co., a corporation, Honey Grove, Tex., alleging shipment by said company in violation of the Food and Drugs Act on or about September 23, 1937, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Superior Quality * * * Superior Cake & Meal Co. * * * Kansas City Mo."

It was alleged to be misbranded in that the statements "Protein, not less than 43%" and "Crude Fibre, not more than 12%," were false and misleading since it contained less than 43 percent, i. e., not more than 39.50 percent, of protein, and more than 12 percent, i. e., not less than 15.35 percent, of crude fiber.

On December 12, 1938, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$5.

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

29903. Misbranding of butter. U. S. v. Chesapeake Creameries, Inc. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 42617. Sample No. 33849-D.)

This product was short of the declared weight.

On November 18, 1938, 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 the Chesapeake Creameries, Inc., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about July 27, 1938, from the State of Maryland into the District of Columbia of a quantity of butter which was misbranded.

The article was alleged to be misbranded in that the statements, (carton) "One Pound Net Weight" and (wrapper) "1 lb. Net Weight," were false and misleading and tended to deceive and mislead the purchaser, since each of

said cartons and wrappers did not contain 1 pound net weight but did contain a less amount; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages.

On December 15, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

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

29904. Misbranding of cottonseed screenings. U. S. v. John J. Culbertson, Jr., John S. LeClercq, Jr., and John J. Culbertson III (Prairie Cotton Oil Co.). Pleas of guilty. Fine, \$150 and costs. (F. & D. No. 40820. Sample Nos. 665-C, 4144-D.)

This product contained less protein and a portion contained more fiber than was declared on the label.

On June 7, 1938, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John J. Culbertson, Jr., John S. LeClercq, Jr., and John J. Culbertson III, trustees in a declaration of trust for the Prairie Cotton Oil Co., trading at Chickasha, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, in part on or about October 15, 1937, and in part on or about November 26, 1937, from the State of Oklahoma into the State of Kansas of quantities of cottonseed screenings that were misbranded. A portion was labeled: "43 Percent Cotton Seed Cake or Meal Prairie Cotton Oil Company." The remainder was labeled: "Army Brand Prime Quality 43% Protein Cottonseed Cake and Meal Manufactured For and Guaranteed by Louis Tobian & Company, Dallas, Texas."

The article was alleged to be misbranded in that the statements on the labels of a portion, "Protein not less than 43 per cent * * * Crude Fiber, not more than 10 per cent," and on those of the remainder, "43% Protein, * * * Crude Protein, not less than 43.00%," were false and misleading since the article contained less than 43 percent of protein and a portion contained more than 10 percent of crude fiber.

On November 14, 1938, the defendants entered pleas of guilty and the court imposed a fine of \$150 and costs.

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

29905. Adulteration of butter. U. S. v. Chesapeake Creameries, Inc. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 40800. Sample Nos. 57105-C, 57106-C, 57139-C.)

This product contained less than 80 percent of milk fat.

On June 16, 1938, 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 the Chesapeake Creameries, Inc., Baltimore, Md., alleging shipment by said defendant in violation of the Food and Drugs Act on or about October 12, 13, and 15, 1937, from the State of Maryland into the State of New York of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained 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 act of March 4, 1923.

On December 15, 1938, the defendant having entered a plea of guilty, the court imposed a fine of \$10 and costs.

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

29906. Adulteration of butter. U. S. v. Jesse G. Nichols and Burton F. Bentley (Gilt Edge Creamery). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 42542. Sample No. 8519-D.)

This product contained less than 80 percent of milk fat.

On December 6, 1938, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jesse G. Nichols and Burton F. Bentley, copartners, trading as the Gilt Edge Creamery at Plainfield, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 13, 1938, from the State of Iowa into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for