

court an information against St. Stephens Cooperative Creamery Association, a corporation, St. Stephens, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about April 22, 1939, from the State of Minnesota into the State of Pennsylvania of a quantity of butter which was adulterated.

Adulteration was alleged 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 the act of March 4, 1923.

On February 26, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31040. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Commander-Larabee Milling Co. (The Larabee Flour Mills Co.). Plea of guilty. Fine, \$50. (F. & D. No. 42758. Sample No. 5969-D.)

Brown shorts with screenings had been substituted for gray shorts with screenings in the product involved in this shipment.

On November 28, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Commander-Larabee Milling Co., a corporation trading as the Larabee Flour Mills Co., at Kansas City, Mo., alleging shipment by said company on or about March 7, 1939, from the State of Missouri into the State of Kansas, of a quantity of wheat gray shorts with screenings, which were adulterated and misbranded in violation of the Food and Drugs Act.

Adulteration was alleged in that wheat brown shorts with screenings had been substituted for wheat gray shorts with screenings.

Misbranding was alleged in that the statements, "Wheat Gray Shorts with Ground Wheat Screenings" and "Crude Fibre, not more than 6.00%," borne on the tag attached to the sacks containing the article, were false and misleading and were borne on the said tag so as to deceive and mislead the purchaser, since the article did not consist of wheat gray shorts with ground wheat screenings but did consist of wheat brown shorts with ground wheat screenings, and it contained not less than 7.29 percent of crude fiber.

On January 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

GROVER B. HILL, *Acting Secretary of Agriculture.*

31041. Misbranding of canned cherries. U. S. v. 948 Cases of Cherries. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. No. 45591. Sample No. 46850-D.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On or about February 5, 1940, 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 948 cases of canned cherries at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about August 31, 1939, by Keystone Cooperative Grape Association from Erie, Pa.; and charging that it was misbranded in violation of the Food and Drugs Act. It was labeled in part: "North East * * * Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than 1 cherry pit per 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On February 28, 1940, Keystone Cooperative Grape Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled in compliance with the law.

GROVER B. HILL, *Acting Secretary of Agriculture.*