

butter so sold and delivered by the defendant was shipped in interstate commerce by the purchaser during the same period.

The information alleged further that the butter so sold and shipped was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter; and that, by reason of the guaranty and the sale and delivery thereunder of adulterated butter, the defendant had unlawfully given to the Houston Packing Co. a guaranty that was false.

On June 13, 1941, the defendant entered a plea of nolo contendere and the court imposed a fine of \$300.

**2367. Adulteration of butter. U. S. v. Emma Creamery Co. Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 4141. Sample Nos. 16172-E, 43844-E.)

On June 16, 1941, the United States attorney for the Western District of Missouri filed an information against Emma Creamery Co., a corporation at Emma, Mo., alleging shipment on or about September 18 and December 19, 1940, from the State of Missouri into the State of Kansas of quantities of butter that was adulterated. A portion of the product was labeled. "Gold Seal \* \* \* Butter \* \* \* Churned and distributed \* \* \* by Talbot, Woods & Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$12.50 on each of the two counts, totaling \$25, and costs.

**2368. Adulteration of butter. U. S. v. Puritan Dairy Products Co. Plea of nolo contendere. Fine, \$100 and costs.** (F. D. C. No. 4176. Sample Nos. 43242-E, 43243-E.)

On September 6, 1941, the United States attorney for the District of Kansas filed an information against Puritan Dairy Products Co., a corporation at Pittsburg, Kans., alleging shipment within the period from on or about February 25 to on or about March 2, 1940, from the State of Kansas into the State of Oklahoma of quantities of butter that was adulterated. It was labeled in part: "Puritan Brand Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 12, 1941, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$50 on each of the two counts, totaling \$100, and costs.

**2369. Adulteration of butter. U. S. v. 87 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 5874. Sample Nos. 62329-E, 62333-E.)

On August 30, 1941, the United States attorney for the Northern District of Illinois filed a libel against 87 cubes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1941, by the American Dairies, Inc., from Kansas City, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 23, 1941, the American Dairies, Inc., 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 under the supervision of the Food and Drug Administration.

**2370. Adulteration of butter. U. S. v. 4 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5871. Sample No. 58093-E.)

On August 5, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 4 cartons, each containing 30 pounds, of butter at Marinette, Wis., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Best Bros. Creamery from Iron Mountain, Mich.; and charging that it was adulterated. It was labeled in part: "Best Creamery Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or extracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

On October 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.