

a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** April 24, 1945. A plea of guilty having been entered, the defendant was fined \$100 on each of the two counts, a total fine of \$200.

**8864. Adulteration and misbranding of butter. U. S. v. Cody Creamery Co. Plea of guilty. Fine, \$100.** (F. D. C. No. 15489. Sample No. 69340-F.)

**INFORMATION FILED:** April 23, 1945, District of Wyoming, against the Cody Creamery Co., a corporation, Cody, Wyo.; charging the defendant with the giving of a false guaranty. The guaranty was given by the defendant to the Beatrice Creamery Co., trading as the Meadow Gold Dairies, at Billings, Mont., on or about September 27, 1943. It provided that the article comprising each shipment or delivery made by the Cody Creamery Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. Between the approximate dates of June 8 and 15, 1944, the defendant sold and delivered a quantity of butter to the Beatrice Creamery Co.; and on or about June 24, 1944, the Beatrice Creamery Co. shipped that butter from the State of Montana into the State of Wyoming. The butter so guarantied and shipped was adulterated and misbranded.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cartons contained less than 1 pound net weight, the amount declared on the label.

**DISPOSITION:** May 3, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$50 on each of 2 counts, a total of \$100, was imposed.

**8865. Adulteration and misbranding of butter. U. S. v. Joseph A. Hyst (Cloverland Dairy). Plea of guilty. Fine, \$400.** (F. D. C. No. 15498. Sample Nos. 75945-F, 75946-F.)

**INFORMATION FILED:** April 13, 1945, Southern District of Ohio, against Joseph A. Hyst, trading as the Cloverland Dairy, Flushing, Ohio.

**ALLEGED SHIPMENT:** On or about October 12, 1944, from the State of Ohio into the State of West Virginia.

**LABEL, IN PART:** (Packages) "One Pound Net Cloverland Brand Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the packages contained less than 1-pound net weight.

**DISPOSITION:** April 24, 1945. A plea of guilty having been entered, the defendant was fined \$400.

**8866. Adulteration of butter. U. S. v. 25 Boxes (1,650 pounds) of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 7501. Sample No. 76860-E.)

**LIBEL FILED:** April 22, 1942, District of Minnesota.

**ALLEGED SHIPMENT:** On or about April 14, 1942, by the Eureka Creamery, from Eureka, S. Dak.

**PRODUCT:** 25 66-pound boxes of butter at St. Paul, Minn.

**LABEL, IN PART:** "N. D. P. Packed For National Butter Co., Dubuque, Iowa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in whole or in part omitted or abstracted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** August 22, 1942. The Eureka Creamery, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.