

about August 14 and 27, 1945, by the Fairmont Creamery Co., from Albright and Buckhannon, W. Va., and Strasburg, Va.; on or about August 13, 1945, by B. L. Thomas, from Strasburg, Va.; on or about August 14, 1945, by M. K. Bowers, from Charles Town, W. Va.; on or about September 5, 1946, by Herbert L. Cork, from Clarksburg, W. Va.; on or about September 5, 1946, by Sam Beely, from Berkeley Springs, W. Va.; and on or about September 14, 1946, by R. E. Brown, from Brunswick, Md.

PRODUCT: 67 10-gallon cans and 1 5-gallon can of cream at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance.

DISPOSITION: Between August 7, 1945, and September 17, 1946. The consignees having consented to the entry of decrees, judgments were entered ordering that the product be immediately destroyed.

10275. Misbranding of condensed buttermilk. U. S. v. 25 Barrels of Condensed Buttermilk, and a number of pamphlets. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17571. Sample No. 22189-H.)

LIBEL FILED: September 19, 1945, Eastern District of Illinois.

ALLEGED SHIPMENT: The product was shipped by the Merchants Creamery Co., from Cincinnati, Ohio, on or about July 10, 1945; the pamphlets were shipped by mail during the month of February 1945.

PRODUCT: 25 barrels of condensed buttermilk at Mattoon, Ill., and a number of pamphlets entitled "Blue Ribbon Condensed Milk." Examination of a sample of the product showed that it contained 6.70 percent of protein.

LABEL, IN PART: "Blue Ribbon Special Condensed Buttermilk * * *
Guaranteed Analysis Protein ----- 10%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Protein 10%" was false and misleading.

Further misbranding, Section 403 (a), certain statements appearing in the pamphlets were false and misleading since they represented and suggested that the article would be effective to promote faster growth, better health, resistance to disease, lower mortality, better digestion in livestock and poultry, and increased hatchability and egg production in poultry; and that it would be effective in the treatment of worms and necrotic enteritis in hogs and coccidiosis in poultry. The article would not be effective for such purposes.

The article was alleged to be misbranded also under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1945.

DISPOSITION: February 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that all labels and pamphlets be destroyed.

MISCELLANEOUS DAIRY PRODUCTS

10276. Adulteration and misbranding of oleomargarine. U. S. v. The Miami Margarine Co. Plea of guilty. Fine, \$3,000. (F. D. C. No. 17806. Sample Nos. 13049-H, 13240-H, 13599-H, 13724-H, 13923-H, 22216-H.)

INFORMATION FILED: April 18, 1946, Southern District of Ohio, against the Miami Margarine Co., a corporation, Cincinnati, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of January 11, 1945, and April 26, 1945, from the State of Ohio into the States of Indiana, Kentucky, and Tennessee.

LABEL, IN PART: "Nu-Maid Vegetable Oleomargarine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity, which requires that oleomargarine contain not less than 80 percent of fat.

DISPOSITION: May 16, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of \$3,000 was imposed.