

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 343, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A FOOD—"CONCRETA BUTTEROL."

On or about October 23, 1909, G. H. Lowell, doing business under the firm name and style of G. H. Lowell & Company, New York, N. Y., shipped from the State of New York to the State of Pennsylvania a consignment of a product labeled "Concreta Butterol, G. H. Lowell & Co., 321 Greenwich St., New York." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded G. H. Lowell & Co., and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product was misbranded, in that it was labeled "Solid Gold Brand Highly Concentrated Concreta Butterol, G. H. Lowell & Co., 321 Greenwich St., New York," and said label also contained, among others, the following statements:

1. "This product has the characteristics of rich creamery butter, both in taste and odor."
2. "Imparts the true butter flavor to your goods."
3. "It is absolutely pure and palatable . . ."
9. "Concreta Butterol tones up the quality of butter that has lost its refinement of taste, making it sweet and wholesome,"

which said label was false, misleading, and deceptive, and calculated to deceive and mislead the purchaser, because it would indicate that

the contents of said can had the characteristics of rich creamery butter, both as to taste and odor, and would impart a true butter flavor to goods, whereas, in fact, the product had not the characteristics of rich creamery butter, either in taste or odor, nor would it impart a true butter flavor to goods.

To this information the defendant entered a plea of guilty, and the court imposed upon him a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 12, 1910.*

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