

12303. Adulteration of shell eggs. U. S. v. George E. Doyle, sr., George E. Doyle, jr., and James W. Doyle (Doyle & Sons). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 17810. I. S. Nos. 5343-v, 5345-v.)

On January 14, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George E. Doyle, sr., George E. Doyle, jr., and James W. Doyle, copartners, trading as Doyle & Sons, Perry, Okla., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 17, 1923, from the State of Oklahoma into the State of Kansas of quantities of shell eggs which were adulterated. The article was labeled in part: "From Doyle & Sons Wholesale Farm Produce Perry Okla."

Examination by the Bureau of Chemistry of this department of 540 eggs from one consignment showed that 193, or 35.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings. Examination by said bureau of 360 eggs from the remaining consignment showed that 138, or 38 per cent of those examined, were inedible eggs consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On April 21, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$100, together with the costs.

HOWARD M. GORE, Acting Secretary of Agriculture

12304. Adulteration and misbranding of butter. U. S. v. Harry Petersen (Petersen Creamery). Plea of guilty. Fine, \$100. (F. & D. No. 17816. I. S. Nos. 8462-v, 8490-v.)

At the November, 1923, term of the United States District Court within and for the District of Utah, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid, an information against Harry Petersen, trading as the Petersen Creamery, Salt Lake City, Utah, alleging shipment by said defendant in violation of the food and drugs act, in two consignments, namely, on or about January 18 and 22, 1923, respectively, from the State of Utah into the State of Nevada, of quantities of butter, a portion of which was adulterated and the remainder of which was misbranded. A portion of the article was labeled in part: "Fancy Golden Arrow Brand Butter Petersen Creamery Salt Lake City, Utah * * * One Pound Net Weight." The remainder of the said article was labeled in part: "Alfalfa Creamery Butter Net Wt. 1 Pound * * * Petersen Creamery Salt Lake City, Utah."

Examination by the Bureau of Chemistry of this department of a sample taken from the consignment of Golden Arrow Brand butter showed that the average net weight of 30 packages examined was 15.66 ounces. Examination by the Bureau of Chemistry of the said department of the Alfalfa Creamery butter showed that the average net weight of the 27 packages examined was 15.76 ounces. Analyses of five samples of the Alfalfa Creamery butter showed an average of 16.85 per cent of moisture and of 77.83 per cent of fat.

Misbranding of the Golden Arrow Brand butter was alleged in the information for the reason that the statement, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that it represented that each of the said packages contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight but did contain a less amount.

Adulteration of the Alfalfa Creamery butter was alleged for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for creamery butter, which the article purported to be.

On January 3, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, Acting Secretary of Agriculture.