

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12751-12800

[Approved by the Secretary of Agriculture, Washington, D. C., March 2, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12751. Misbranding of butter. U. S. v. Dakota Creamery Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18570. I. S. No. 11919-v.)

On June 13, 1924, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dakota Creamery Co., a corporation, Deadwood, S. Dak., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 18, 1923, from the State of South Dakota into the State of Wyoming, of a quantity of butter, which was misbranded. The article was labeled in part: (Package) "Pasteurized Meadow-Gold * * * butter Contents 1 Lb. Net Butter * * * Distributed By Dakota Creamery Company Deadwood, So. Dak."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment showed that the average net weight of the contents of the packages examined was 15.3 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 1 Lb. Net," 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 butter, and for the further reason that the article 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 of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12752. Adulteration and misbranding of wheat middlings. U. S. v. Gwinn Bros. & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16555. I. S. Nos. 11715-t, 11718-t.)

On September 23, 1924, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gwinn Bros. & Co., Huntington, W. Va., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 21, 1921, and March 1, 1922, respectively, from the State of West Virginia into the State of Kentucky, of quantities of wheat middlings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Middlings & Screenings Made By Gwinn Bros. & Co., Huntington, W. Va. Guaranteed Analysis Protein 16.00 Per Cent."