

13372. Adulteration and misbranding of butter. U. S. v. Sardis Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 18760. I. S. No. 4925-v.)

On April 20, 1925, the United States attorney for the Northern District of Mississippi, 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 Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company, in violation of the food and drugs act, on or about November 5, 1923, from the State of Mississippi into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Mississippi State Brand Butter."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 16.36 per cent of moisture and 78.19 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On April 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13373. Adulteration of evaporated apples. U. S. v. 49 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19836. I. S. No. 19149-v. S. No. C-4665.)

On or about February 26, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 boxes of evaporated apples, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Gilbert Apple Products Co., from Brighton, N. Y., on or about December 9, 1924, and transported from the State of New York into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Monroe Brand New York State Evaporated Apples Packed by Gilbert Apple Products Co., Inc., Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed with and substituted wholly or in part for the said article.

On May 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13374. Adulteration of canned sardines. U. S. v. 20 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17980. I. S. No. 15106-v. S. No. E-4554.)

On November 19, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of sardines, remaining in the original unbroken