

14783. Adulteration and misbranding of butter. U. S. v. 500 Pounds of Butter. Consent order of destruction entered. (F. & D. No. 20753. I. S. Nos. 3108-x, 3148-x. S. No. C-4906.)

On December 11, 1925, the United States attorney for the Western 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 seizure and condemnation of 500 pounds of butter, remaining in the original unbroken packages at Superior, Wis., alleging that the article had been shipped by the Henriette Creamery Co., West Duluth, Minn., in part on or about November 30, 1925, and in part on or about December 4, 1925, and transported from the State of Minnesota into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Churned from Pure Cream Henriette Butter Henriette Creamery Co., Inc. West Duluth, Minn. Henriette, Minn."

It was alleged in substance in the libel that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and in that it contained less than 80 per cent by weight of milk fat.

Misbranding was alleged for the reason that the statement, "Churned from Pure Cream Henriette Butter," was false and misleading and deceived and misled purchasers, in that the product was not butter but was an imitation of butter and was offered for sale under the distinctive name of Henriette butter.

On May 7, 1926, all parties in interest having consented to the taking of judgment, upon a finding by the court that the material allegations of the libel were true, it was ordered that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14784. Adulteration of tomato catsup. U. S. v. 70 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20713, 20745, 20746. I. S. Nos. 9504-x, 9505-x, 9507-x, 9508-x. S. Nos. C-4902, C-4922.)

On December 11, 1925, and January 4, 1926, respectively, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 621 cases of tomato catsup, remaining in the original packages at Memphis, Tenn., alleging that the article had been shipped by the Geo. Van Camp & Sons Co., from Westfield, Ind., on or about October 17, 1925, and transported from the State of Indiana into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Geo. Van Camp's Tomato Catsup * * * Geo. Van Camp & Sons Co. Westfield, Ind."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, which rendered it unfit for food.

On January 3, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14785. Adulteration and misbranding of butter. U. S. v. Thomas J. Fenn and William T. Laird (Valdosta Creamery). Pleas of nolo contendere. Fines, \$50. (F. & D. No. 19743. I. S. Nos. 6424-x, 6425-x, 6485-x, 6486-x.)

On April 19, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas J. Fenn and William T. Laird, trading as the Valdosta Creamery, Valdosta, Ga., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, on or about July 27 and August 1, 1925, respectively, from the State of Georgia into the State of Florida, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Fancy Creamery Butter * * * One Pound Net Weight When Packed."

Adulteration of the article was alleged in the information for the reason that a substance containing less than 80 per cent by weight of milk fat had

been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Fancy Creamery Butter," and "One Pound Net Weight," borne on the labels, were false and misleading, in that the said statements represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and that each of said packages contained 1 pound thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and that each of said packages contained 1 pound thereof, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat and each of the packages did not contain 1 pound of the article but did contain a less quantity. 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 20, 1926, the defendants entered pleas of nolo contendere to the information, and the court imposed fines aggregating \$50.

W. M. JARDINE, *Secretary of Agriculture.*

14786. Adulteration and misbranding of cottonseed meal. U. S. v. Cheraw Oil & Fertilizer Co. Plea of guilty. Fine, \$35. (F. & D. No. 19783. I. S. No. 8702-x.)

On October 20, 1926, the United States attorney for the Eastern District of South Carolina, 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 Cheraw Oil & Fertilizer Co., a corporation, Cheraw, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about December 15, 1925, from the State of South Carolina into the State of Massachusetts, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Guaranteed Analysis Protein 43.00% * * * Fibre Maximum 10.00%," and was invoiced as 36 per cent protein cottonseed meal.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 36 per cent of protein and which contained excessive fiber had been substituted for cottonseed meal, to wit, a product which should contain not less than 36 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 43.00% * * * Fibre Maximum 10.00%," borne on the label, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of protein and not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and not more than 10 per cent of fiber, whereas it contained approximately 33.56 per cent of protein and approximately 17.55 per cent of fiber. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, 36 per cent cottonseed meal.

On December 6, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$35.

W. M. JARDINE, *Secretary of Agriculture.*

14787. Adulteration and misbranding of butter. U. S. v. Kosciusko Creamery. Plea of guilty. Fine, \$500 and costs. (F. & D. No. 19750. I. S. No. 6403-x.)

On August 16, 1926, 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 Kosciusko Creamery, a corporation, Kosciusko, Miss., alleging shipment by said company, in violation of the food and drugs act, on or about June 25, 1925, from the State of Mississippi into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been