

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14951-15000

[Approved by the Secretary of Agriculture, Washington, D. C., June 16, 1927]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

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

14951. Adulteration and misbranding of butter. U. S. v. Nelsonville Creamery and Cheese Assoc. Plea of nolo contendere. Fine, \$40.
(F. & D. No. 19729. I. S. Nos. 17403-v, 17435-v.)

On February 6, 1926, 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 an information against the Nelsonville Creamery & Cheese Assoc., a corporation, Nelsonville, Wis., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about January 26 and March 21, 1925, respectively, from the State of Wisconsin into the State of Maryland, of quantities of butter which was adulterated and misbranded.

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 prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "This butter is made from pure cream and on account of its high, rich, delicate flavor, should be kept in a cool place entirely away from vegetables and other like products," borne on the parcels containing the said article, was false and misleading, in that the said statement represented that the article was 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 was butter, whereas it was not but was a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat.

On February 12, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

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

14952. Misbranding of red dog flour. U. S. v. 351 Sacks of Red Dog Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21708. I. S. No. 8721-x. S. No. E-6011.)

On March 9, 1927, the United States attorney for the District of Massachusetts, 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 351 sacks of red dog flour, remaining in the original unbroken packages at New Bedford, Mass., alleging that the article had been shipped by the Washburn-Crosby Co., South Louisville, Ky., and transported from the State of Kentucky into the State of Massachusetts, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded, in that the statement "Guaranteed Analysis Protein 16.00% Fat 4.00%," borne on the label, was false and misleading and deceived and misled the purchaser.