

**15832. Adulteration and misbranding of butter. U. S. v. The Meriden Creamery Co. Plea of guilty. Fine, \$80. (F. & D. No. 22548. I. S. Nos. 7684-x, 7685-x, 7686-x.)**

On May 17, 1928, the United States attorney for the Western District of Missouri, 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 Meriden Creamery Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about June 3 and June 10, 1927, respectively, from the State of Missouri into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Meriden Country Roll Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for 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, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the said article, was false and misleading in that the said statement 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 law, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On May 19, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15833. Misbranding and alleged adulteration of vinegar. U. S. v. 20 Barrels and 17 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22381, 22394. I. S. Nos. 23712-x, 23713-x, 23715-x. S. Nos. 444, 472.)**

On January 19 and January 27, 1928, respectively, the United States attorney for the Southern District of Iowa, 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 37 barrels of vinegar, remaining unsold in the original packages at Keokuk, Iowa, alleging that the article had been shipped by F. A. Kauffman, from St. Louis, Mo., on or about September 20, 1927, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Cider Vinegar."

It was alleged in substance in the libels that the article was adulterated in that it was largely a corn sugar vinegar.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar," borne in the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 17 and April 18, 1928, respectively, the F. A. Kauffman Mfg. Co., St. Louis, Mo., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments were entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant for relabeling under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it should not be disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15834. Adulteration of shell eggs. U. S. v. John M. Shackelford. Plea of nolo contendere. Fine, \$5. (F. & D. No. 22533. I. S. No. 13289-x.)**

On April 27, 1928, the United States attorney for the Eastern District of 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 John M. Shackelford, Severn, Va., alleging shipment by said defendant in violation of the food and drugs act, on or about July 25, 1927, from the State of Virginia into the State of Maryland, of a quantity of eggs which were adulterated. The article was labeled in part: "J. M. Shackelford Severn, Va."

It was alleged in the information that the article was adulterated in that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 18, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15835. Adulteration of canned raspberries. U. S. v. 220 Boxes of Canned Raspberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22658. I. S. No. 15730-x. S. No. 613.)**

On March 24, 1928, the United States attorney for the Eastern District of Michigan, 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 220 boxes of raspberries, remaining unsold in the original packages at Detroit, Mich., alleging that the article had been shipped by the Red Wing Co., from Fredonia, N. Y., August 1, 1927, and transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Columbian Red Raspberries \* \* \* Manufactured and Guaranteed by The Red Wing Company, Inc. Fredonia, N. Y."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On June 8, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15836. Adulteration of sweetened condensed milk. U. S. v. 8 Cases of Sweetened Condensed Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22091. I. S. No. 14888-x. S. No. 136.)**

On October 11, 1927, the United States attorney for the District of Porto Rico, 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 8 cases of sweetened condensed milk at San Juan, P. R., alleging that the article had been shipped by Libby, McNeill & Libby, New York, N. Y., on or about March 5, 1927, and transported from the State of New York into the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Leche Condensada endulzada, Libby, McNeill & Libby, Chicago, \* \* \* Libby's—Lolita—Tamono No. 3."

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.

On November 25, 1927, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15837. Adulteration and misbranding of olive oil. U. S. v. 1 Can, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22466, 22468, 22477, 22478, 22479, 22480, 22481, 22613, 22614, 22615, 22618. I. S. Nos. 23399-x, 23400-x, 23401-x, 23408-x, 23413-x, 23414-x, 23415-x, 23416-x, 23417-x, 23398-x, 23402-x, 23405-x, 23407-x. S. Nos. 588, 595, 648, 649, 650, 651.)**

On February 23, February 25, and March 9, 1928, respectively, the United States attorney for the Eastern District of Texas, 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 23 cans of olive oil, remaining in the original unbroken packages in part at Beaumont, Texas, and in part at Port Arthur, Texas, alleging that the article had been shipped from Taormina Bros., New Orleans, La., between the dates of November 30, 1927, and January 18, 1928, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: "Pure Olive Oil Packed in Italy Taormina Bros. Net Contents 6 Gallons." A portion of the said article was labeled: "Pure Olive Oil La Giardiniera Packed in Italy expressly for Taormina Bros. by Eustachio Taormina & Figli, Sicily Partanna, Italy Net Contents six Gallons." A portion of the said article was shipped as olive oil in unlabeled 5-gallon cans.

It was alleged in the libels that the article was adulterated in that cottonseed oil had been mixed and packed with and substituted in whole or in part for olive oil.