

18228. Misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$150. (F. & D. No. 25691. I. S. Nos. 023422, 023445.)

Samples of butter contained in 1-pound cartons, and consisting of alleged quarter-pound cubes, from the lots herein described having been found to contain less than the declared net weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On April 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mutual Creamery Co., a corporation, trading at Seattle, Wash., alleging that on or about May 13, 1930 and June 27, 1930, the said company delivered at Seattle, Wash., for shipment into the Territory of Alaska, quantities of butter, which was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Maid O'Clover * * * Butter * * * One Pound Net * * * Manufactured & Distributed by Mutual Creamery Company;" (wrapper) "Net Weight Four Ounces."

It was alleged in the information that the article was misbranded in that the statement, to wit, "One Pound Net," borne on the carton, and the statement, to wit, "Net Weight Four Ounces," borne on the wrapper, were false and misleading in that the said statements represented that each of the cartons contained 1 pound net of butter, and that each of the wrappers contained 4 ounces 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 cartons contained 1 pound of butter, and that each of the wrappers contained 4 ounces of butter; whereas the carton and wrapper did not contain the amount declared on the label, 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 May 4, 1931, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18229. Adulteration and alleged misbranding of evaporated apples. U. S. v. 24 Cases of Evaporated Apples. Default decree of destruction. (F. & D. No. 25676. I. S. No. 13937. S. No. 3958.)

Samples of evaporated apples from the shipment herein described having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On January 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of evaporated apples at Lebanon, Mo., alleging that the article had been shipped by Claypool & Hazel from Springdale, Ark., on or about October 4, 1930, and had been transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morning Glory Brand, Evaporated Apples, Packed by Claypool and Hazel, Springdale, Ark."

It was alleged in the libel that the article was adulterated in that partially evaporated apples had been substituted for evaporated apples.

Misbranding was alleged for the reason that the designation "Evaporated Apples," appearing on the label, was false and misleading and deceived and misled the purchaser when applied to partially evaporated apples.

On May 1, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18230. Adulteration of canned sardines. U. S. v. 300 Cases of Canned Sardines. Consent decree of condemnation entered. Product ordered destroyed. (F. & D. No. 25215. I. S. No. 13415. S. No. 3481.)

Samples of canned sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of canned sardines, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Brawn Co., from Portland, Me., on or about August 20, 1930, and had been