

19912. Misbranding of canned orange juice. U. S. v. Charles F. Mattlage & Sons (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 28100. I. S. No. 21167.)

This action was based on the interstate shipment of a quantity of canned orange juice, certain cans of which were found to be short of the declared volume. Examination also showed that the declaration of contents was not made on the labels in terms of the largest unit.

On June 21, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Charles F. Mattlage & Sons (Inc.), a corporation, New York, N.Y., alleging shipment by said company in violation of the food and drugs act as amended, on or about July 8, 1931, from the State of New York into the State of Georgia, of a quantity of canned orange juice that was misbranded. The article was labeled in part: (Cans) "Honey Moon * * * Pure Orange Juice Contents not less than 56 Fl. Oz. * * * Charles F. Mattlage & Sons, Inc., New York City. Sole Distributors."

It was alleged in the information that the article was misbranded in that the statement, to wit, "Contents not less than 56 Fl. Oz.," was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of said cans contained less than 56 fluid ounces of the article. 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, since the statement made was incorrect, and for the further reason that the label failed to state the quantity in terms of the largest unit.

On June 28, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HENRY A. WALLACE, *Secretary of Agriculture.*

19913. Misbranding of canned grapefruit juice. U. S. v. Roberts Bros. (Inc.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 28056. I. S. No. 28717.)

This action was based on the interstate shipment of a quantity of canned grapefruit juice, sample cans of which were found to be short of the declared volume.

On May 10, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Roberts Bros. (Inc.), a corporation, Baltimore, Md., alleging shipment by said company in violation of the food and drugs act as amended, on or about February 5, 1931, from Jacksonville, Fla., into the State of Maryland, of a quantity of canned grapefruit juice that was misbranded. The article was labeled in part: (Cans) "Roberts Big R Brand Florida Grapefruit Juice * * * Packed by Roberts Bros. Inc., Winter Haven, Fla., main office Baltimore, Md. * * * Contents 3 Pt. 8 Fl. Oz."

It was alleged in the information that the article was misbranded in that the statement "Contents 3 Pt. 8 Fl. Oz." was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since each of a large number of the cans contained less than that stated. 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, since the cans contained less than the declared volume.

On June 16, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19914. Adulteration of butter. U. S. v. 29 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. No. 1625-A. F. & D. No. 28390.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 26, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 29 cubes of butter, remaining in the original

unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 23, 1932, by Junction City Creamery, from Junction City, Oreg., to Seattle, Wash., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing 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 of milk fat as provided by the act of March 4, 1923.

On June 2, 1932, the Bradner Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The court having found that the product might be reconditioned so that it would conform with the law, ordered that it be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19915. Misbranding of butter. U. S. v. 9 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 4904-A. F. & D. No. 28435.)

This action involved the shipment of a quantity of butter, contained in packages which failed to bear a statement of the quantity of the contents.

On June 8, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 9 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce May 28, 1932, by Downie & Dinan, from Elkader, Iowa, to Chicago, Ill., and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1932, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19916. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (Nos. 4165-A, 4168-A. F. & D. No. 28422.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress.

On or about June 2, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on May 18, 1932, by the Upper Dells Creamery, from Lyndon Station, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged 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 and lower and injuriously affect its quality, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 13, 1932, Armour & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by