

20715. Adulteration of butter. U. S. v. Almond Cooperative Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 27497. I. S. nos. 35120, 36424.)

This case was based on interstate shipments of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On March 19, 1932, 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 the district aforesaid an information against the Almond Cooperative Creamery Co., a corporation, Almond, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 9 and June 22, 1931, from the State of Wisconsin into the State of Illinois, of quantities of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On August 6, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20716. Adulteration and misbranding of candy. U. S. v. Louise Darrow and Florence Rudden (Darrow & Rudden). Pleas of guilty. Fine, \$50. (F. & D. no. 28037. I. S. no. 33905.)

This case was based on an interstate shipment of chocolate-covered candy, the chocolate covering of which was found to have been made from skim milk instead of whole milk, as represented.

On June 28, 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 Louise Darrow and Florence Rudden, copartners, trading as Darrow & Rudden, New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about May 15, 1931, from the State of New York into the State of Pennsylvania, of a quantity of chocolate-covered candy that was adulterated and misbranded. The article was labeled in part: "Milk Choc. Cov. Cream Peanut Clusters Cherry Brand * * * Darrow & Rudden, Manufacturers New York, N. Y."

It was alleged in the information that the article was adulterated in that a covering prepared from skim milk had been substituted for a covering prepared from whole milk, which the covering purported to be.

Misbranding was alleged for the reason that the statement, "Milk Choc. Cov.", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statement represented that the covering of the article was prepared from whole milk, whereas it was prepared from skim milk.

On July 1, 1932, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20717. Adulteration of walnuts. U. S. v. 89 Bags of Walnuts. Portion of product condemned and released under bond. Libel dismissed as to remainder. (F. & D. nos. 29630, 29631. Sample nos. 24137-A, 25399-A.)

Samples taken from the walnuts involved in this case were found to be insect-infested, moldy, and rancid.

On December 14, 1932, the United States attorney for the Eastern District of Missouri, 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 89 bags of walnuts, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce, on or about September 30, 1932, by Rosenberg Bros. & Co., from Orange, Calif., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Crop 1932 Walnuts Packed by Rosenberg Bros. & Co."

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