

On May 8, 1933, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sugar Creek Creamery Co., a corporation trading at Pana, Ill., alleging shipment by said company, on or about August 25, 1932, in violation of the Food and Drugs Act, from the State of Illinois into the State of Pennsylvania, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Jersey Lily Brand Creamery Butter."

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, which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement "Butter" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law, whereas it was not.

On June 15, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

21081. Adulteration and misbranding of dried buttermilk feed. U. S. v. 100 Bags and 100 Bags of Dried Buttermilk Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28225. I. S. nos. 18569, 18570. S. no. 6093.)

This case involved an interstate shipment of a product represented to be dried buttermilk feed. Examination showed that dried skim milk had been substituted in part for dried buttermilk, and that the article contained less than 6 percent of fat, the amount declared on the label.

On April 23, 1932, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of dried buttermilk feed at Pocomoke, Md., alleging that the article had been shipped in interstate commerce by W. G. Slugg, in part from Deerfield, Wis., on or about December 26, 1931, and in part from Tomah, Wis., on or about February 26, 1932, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Slugg's Pure Dried Buttermilk Feed Manufactured by W. G. Slugg, Milwaukee, Wis. Guaranteed Analysis * * * Crude Fat Not Less Than 6% * * * Ingredients: Pure Milk Solids for Animal, or Poultry Feed and So Labeled."

It was alleged in the libel that the article was adulterated in that a substance, dried skim milk, deficient in fat, had been mixed and packed with the article, so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the following statements on the label, "Pure Dried Buttermilk Feed * * * Guaranteed Analysis * * * Crude Fat Less Than 6% * * * Ingredients Pure Milk Solids", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 21, 1933, no claimant having appeared for the property, judgment was entered ordering that the 18 bags of the product which had been seized under the libel, be condemned, forfeited, and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21082. Misbranding of canned pears. U. S. v. 75 Cases of Canned Pears. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29898. Sample no. 28089-A.)

This case involved a shipment of canned pears that fell below the standard established by this Department and were not labeled to indicate that they were substandard.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of canned pears at Pueblo, Colo., consigned by the Western Oregon Packing Corporation, alleging that the article had been shipped in interstate commerce, on or about

October 11, 1932, from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jordan Brand Bartlett Pears."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive trimming, and because it was water packed, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 5, 1933, 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 delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

21083. Adulteration and misbranding of butter. U. S. v. William H. Elsass, Alfred E. Elsass, Laurence E. Elsass, C. Eugene Elsass, and Otto W. Elsass (Elsass' Creamery). Plea of guilty. Fine, \$25. (F. & D. no. 29506. Sample nos. 6551-A, 6556-A, 6605-A.)

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

On April 18, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. Elsass, Alfred E. Elsass, Laurence E. Elsass, C. Eugene Elsass, and Otto W. Elsass, copartners, trading as Elsass' Creamery, Rector, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about April 15, 18, and 21, 1932, from the State of Arkansas into the State of Tennessee, of quantities of butter that was adulterated and misbranded. The article was labeled in part: (Package) "Monogram Creamery Butter * * * The Cudahy Packing Co. * * * Chicago."

It was alleged in the information that the article was adulterated in that a product containing 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.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, 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 it was not butter as defined by the act of March 4, 1923.

On May 1, 1933, a plea of guilty was entered on behalf of all defendants, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

21084. Adulteration and misbranding of cottonseed screenings. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29453. I. S. no. 45581.)

This case was based on the interstate shipment of a quantity of cottonseed screenings which contained less than 43 percent of protein, and more than 12 percent of crude fiber, the amounts declared on the label.

On February 27, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation trading at Anadarko, Okla., alleging shipment by said company, under the name of Anadarko Cotton Oil Mill, on or about October 15, 1931, from the State of Oklahoma into the State of Kansas, of a quantity of a product invoiced as cottonseed screenings, which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Kansas Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

It was alleged in the information that the article was adulterated in that a product containing less than 43 percent of protein and more than 12 percent of crude fiber had been substituted for the article.

Misbranding was alleged for the reason that the statements "43% Protein * * * Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12%", borne on the tag, were false and misleading,