

It was alleged in the information that the article was adulterated in that a product composed in part of reducing sugars had been substituted for the article; and in that it was a product inferior to spray egg yolk, or yolk spray process, namely, a product composed in part of reducing sugars, and was colored with coal tar dyes, Tartrazine S.J. and Orange I S.J., so as to simulate the appearance of spray egg yolk and yolk spray process, and in a manner whereby its inferiority to said product was concealed.

Misbranding was alleged for the reason that the article was composed in part of reducing sugars, artificially colored, prepared in imitation of spray egg yolk and yolk spray process, and was offered for sale and sold under the distinctive name of another article.

On July 11, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

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

**21343. Adulteration of canned salmon. U. S. v. Farwest Fisheries, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 27564. I.S. no. 1043.)**

This case was based on an interstate shipment of canned salmon, samples of which were found to be tainted or stale.

On November 1, 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 an information against the Farwest Fisheries, Inc., a corporation, Seattle, Wash., alleging shipment by said company, under the name of the Oceanic Sales Co., in violation of the Food and Drugs Act, on or about July 30, 1930, from the State of Washington into the State of Illinois, of a quantity of canned salmon that was adulterated. The article was labeled in part: "Canned Salmon Year Round Seafood."

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

On July 17, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**21344. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$25. (F. & D. no. 30184. Sample no. 4937-A.)**

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On June 23, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Columbus, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 4, 1932, from the State of Nebraska into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the libel 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 must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On July 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**21345. Adulteration of butter. U. S. v. 13 Cubes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 30703. Sample no. 29684-A.)**

This case involved a shipment 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 June 19, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 5, 1933, by T. B. Klock & Co., from Billings, Mont., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was misbranded 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 provided by the act of March 4, 1923.

On June 30, 1933, the Carbon County Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reworked under the supervision of this Department.

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

**21346. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30835. Sample no. 40663-A.)**

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tubs of butter at Chicago, Ill., alleging that article had been shipped in interstate commerce on June 19, 1933, by McAllister Bros., from Marceline, Mo., and charging adulteration and misbranding in violation of the Food and Drug Act as amended.

It was alleged in the libel 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 of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the 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 July 1, 1933, 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 claimant to be reworked, 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 Federal Food and Drugs Act and all other laws.

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

**21347. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 29496. I.S. nos. 55751, 55759, 55762, 55763, 55764.)**

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

On May 12, 1933, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading at Mitchell, S. Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 12, March 16, and March 26, 1932, from the State of South Dakota into the State of Illinois, of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Armour's Cloverbloom \* \* \* Full Cream Butter. \* \* \* Distributed by Armour Creamery, General Offices, Chicago."

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.

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 the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On July 20, 1933, a plea of nolo contendere to the information was entered, and the court imposed a fine of \$25.

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