City, Nebr., alleging shipment by the said defendant, on or about August 17, 1931, from the State of Iowa to within and through the Judicial District of Nebraska, into the State of Colorado, and on or about March 3, 1932, from the State of Nebraska into the State of New Mexico, of quantities of canned spaghetti and canned cherries, respectively, which were misbranded. The articles were labeled in part: "Lone Brook Brand Spaghetti Contents 1 Lb. * * * Packed by Hamburg Canning Co., Hamburg, Iowa." and "Net Weight 1 Lb. 5 Oz. * * * Natures Best Otoe Brand Pitted Red Cherries Packed by Otoe Food Products Co., Nebraska City, Nebr."

It was alleged in the information that the articles were misbranded in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement, "Contents 1 Lb." with respect to the canned spaghetti, and the statement, "Net Weight 1 Lb. 5 Oz." with respect to the canned cherries, were incorrect, a large number of the cans in each of the shipments having been found to contain less than the declared amount.

On March 29, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $25.

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

22094. Adulteration and misbranding of butter. U. S. v. Joe S. McIlhaney (McIlhaney Creamery Co.). Plea of guilty. Fine, $25. (F. & D. no. 30320. I. S. no. 32207.)

Samples of butter taken from the shipment involved in this case were found to be low in milk fat and to be short weight.

On October 31, 1933, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joe S. McIlhaney, trading as McIlhaney Creamery Co., Lubbock, Tex., alleging that on or about January 26, 1932, the defendant had delivered to an agent for shipment in interstate commerce, from El Paso, Tex., to La Cruces, N. Mex., a quantity of butter which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "McIlhaney's Creamery Butter * * * McIlhaney Creamery Co., Lubbock Texas, One Pound Net."

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

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net" borne on the cartons, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it did not comply with the requirements of the law defining butter, and since each of a number of the cartons contained less than 1 pound. 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.

On April 5, 1934, the defendant entered a plea of guilty, and the court imposed a fine of $25.

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

22095. Adulteration and misbranding of butter. U. S. v. Sugar Creek Creamery Co. Plea of guilty. Fine, $100. (F. & D. no. 30323. Sample no. 33402-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On December 13, 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 in violation of the Food and Drugs Act, on or about December 29, 1932, from the State of Illinois into the State of Pennsylvania, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Cartons) "Sugar Creek Butter Sugar Creek Creamery Co. General Offices Danville, Ill."

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 substi-