

false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the baskets labeled "1- $\frac{3}{4}$  In. Min." contained peaches of less than 1 $\frac{3}{4}$  inches minimum, and the baskets labeled, "1 $\frac{5}{8}$  In. Min." contained peaches of less than 1 $\frac{5}{8}$  inches minimum.

On June 26, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

**22696. Adulteration and misbranding of butter. U. S. v. North American Creameries, Inc. Plea of nolo contendere. Fine, \$200. (F. & D. no. 31508. Sample no. 34523-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 May 24, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the North American Creameries, Inc., a corporation, trading at Paynesville, Minn., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 5, 1933, from the State of Minnesota into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Silverbrook A. & P. Butter \* \* \* Packed for Or By New England Butter Whse. Springfield, Massachusetts."

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 on the label, "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 it was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it was not butter, in that it contained less than 80 percent by weight of milk fat.

On June 25, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

**22697. Adulteration of strawberry preserves. U. S. v. Pacific Manufacturing Co., Inc. Plea of guilty. Fine, \$250 and costs. (F. & D. no. 31514. Sample no. 22951-A.)**

This case was based on a shipment of strawberry preserves which had been made from berries which were in part moldy.

On May 19, 1934, 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 (amended June 5, 1934), against the Pacific Manufacturing Co., Inc., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 14, 1933, from the State of Washington into the State of California, of a quantity of strawberry preserves which were adulterated. The article was labeled in part: "Sun Blest \* \* \* Strawberry Preserves \* \* \* Jacobson Shealy Co., Inc. San Francisco, Calif."

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

On June 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$250 and costs.

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

**22698. Adulteration of canned salmon. U. S. v. 420 Cartons, et al., of Canned Salmon. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31534, 31535, 31543, 31580. Sample nos. 55797-A, 55798-A, 55799-A, 64126-A.)**

These cases involved various lots of canned salmon that was in part decomposed.

On November 3, November 7, and November 14, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 550 cartons or cases of canned salmon at Chicago, Ill., alleging that the article