

Misbranding was alleged for the reason that the statement, "Whiskey" on the bottle label, was false and misleading; for the further reason that it was labeled so as to mislead and deceive the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article, "Whiskey."

On April 19, 1934, 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 destroyed by the United States marshal.

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

22714. Adulteration and misbranding of Scotch whisky. U. S. v. 23 Cases of Scotch Whisky. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32066. Sample no. 47016-A.)

This case involved a shipment of alleged Scotch whisky which consisted of a mixture, made in the United States, of dilute alcohol and a small proportion of Scotch whisky.

On March 7, 1934, 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 a libel praying seizure and condemnation of 23 cases of alleged Scotch whisky at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, by the Boston Drug & Beverage Co., from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Vat 6 Old Scotch Whisky A Blend [picture of a bust of a Scotchman in native garb]."

It was alleged in the libel that the article was adulterated in that alcohol had been mixed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Old Scotch Whisky" and the design purporting to be a bust of a Scotchman in native garb, borne on the label, were false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, namely, "Old Scotch Whisky."

On May 24, 1934, the Boston Drug & Beverage Corporation, Boston, Mass., 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 upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled under the supervision of this Department.

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

22715. Adulteration and misbranding of butter. U. S. v. Delta Valley Creamery Co. Plea of guilty. Fine, \$29. (F. & D. no. 32085. Sample nos. 29520-A, 29522-A, 38418-A.)

This case was based on interstate shipments of butter that contained less than 80 percent by weight of milk fat. No declaration of the quantity of the contents appeared on the packages containing one lot.

On May 12, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Delta Valley Creamery Co., a corporation, Delta, Utah, alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about July 8 and August 8, 1933, from the State of Utah into the State of California, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter—Keep Cool."

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 Congress 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 "Butter" so as to deceive and mislead the purchaser, since it was not butter, as defined by said act of Congress, in that it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to the butter in one shipment for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 9, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$29.

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

22716. Adulteration and misbranding of butter. U. S. v. Pend d'Oreille Creamery Co. Plea of guilty. Fine, \$500 and costs. (F. & D. no. 32087. Sample no. 48731-A.)

This case was based on a shipment of butter that contained less than 80 percent of milk fat.

On June 21, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pend d'Oreille Creamery Co., a corporation, Plains, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 8, 1933, from the State of Montana into the State of Washington, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Evergreen * * * Fancy Creamery Butter Put Up For Becwar Produce Co., Spokane, Wash."

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 Congress 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 so as to deceive and mislead the purchaser, since it was not butter, in that it contained less than 80 percent by weight of milk fat, the standard for butter established by law.

On July 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$500 and costs.

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

22717. Adulteration and misbranding of butter. U. S. v. Fairmont Creamery Co. Plea of guilty. Fine, \$75. (F. & D. no. 32091. I. S. no. 47593. Sample no. 43264-A.)

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

On February 21, 1934, 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 Fairmont Creamery Co., a corporation, trading at Guthrie, Okla., alleging shipment by said company in violation of the Food and Drugs Act, on or about December 29, 1931, from the State of Oklahoma into the State of Ohio, of a quantity of butter which was adulterated, and on or about June 20, 1933, from the State of Oklahoma into the State of Connecticut, of a quantity of butter which was adulterated and misbranded. One shipment of the article was labeled, (Tub) "Glenwood 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, 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 with respect to one shipment of the article for the reason that the statement "Butter", borne on the tub, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as defined by law in that it contained less than 80 percent of milk fat.

On June 8, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75.

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