

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the package, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, and that each of the packages contained 1 pound net thereof; whereas it did not contain 80 percent by weight of milk fat but did contain a less amount and each of the packages contained less than 1 pound net of the said article. 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 March 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$27.

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

**24198. Adulteration of dried apples. U. S. v. 150 Bags of Dried Apples. Default decree of condemnation and destruction. (F. & D. no. 32019. Sample no. 42555-A.)**

This case involved an interstate shipment of dried apples which were found to be in part insect-infested, decomposed, and dirty.

On February 21, 1934, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of dried apples at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, by S. V. Tomlinson, from North Wilkesboro, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24199. Adulteration of frozen eggs. U. S. v. The Fairmont Creamery Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 32092. Sample no. 26998-A.)**

This case was based on an interstate shipment of frozen eggs which were found to be in part decomposed.

On April 18, 1934, the United States attorney for the District of Kansas, 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 Dodge City, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 9, 1933, from the State of Kansas into the State of Ohio, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Fancy Fairmont's Frozen Fresh Eggs \* \* \* Packed by The Fairmont Creamery Co. General Offices-Omaha Nebr. Whole Eggs."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 12, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

**24200. Adulteration of butter. U. S. v. National Butter Company of Iowa. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32099. Sample no. 40684-A.)**

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On October 31, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Butter Company of Iowa, a corporation, Dubuque, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 27, 1933, from the State of Iowa into the State of Michigan, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product