

court an information against the Hopkinton Cooperative Creamery Association, a corporation, Hopkinton, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 18, 1933, from the State of Iowa into the State of New York, of a quantity of butter that 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 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 December 4, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

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

24207. Adulteration and misbranding of butter. U. S. v. The Cudahy Packing Co. of Nebraska. Plea of guilty. Fine, \$27. (F. & D. no. 32218. Sample no. 23767-A.)

This case was based on an interstate shipment of butter that was deficient in milk fat and short weight.

On July 14, 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 Cudahy Packing Co. of Nebraska, a corporation trading at North Salt Lake, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 25, 1933, from the State of Utah into the State of Nevada, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Sunlight Pasteurized Creamery Butter One Pound Net Sunlight The Cudahy Packing Co. * * * Chicago Distributors."

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 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 statements, "Butter" and "One Pound Net", borne on the label, 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 statement represented that it was butter, namely, a product which should contain not less than 80 percent by weight of milk fat, and that each package contained 1 pound net; whereas it did not contain 80 percent by weight of milk fat and each of said packages contained less than 1 pound net. 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.

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.*

24208. Misbranding of shortening and cottonseed meal. U. S. v. Texas Refining Co. Plea of guilty. Fine, \$425. (F. & D. no. 32227. Sample nos. 19850-A, 52351-A, 52356-A, 57881-A, 63651-A, 63793-A, 69053-A.)

This case was based on interstate shipments of shortening which was short weight, and a shipment of cottonseed meal that contained less protein than declared on the label.

On October 26, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Texas Refining Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of September 25 and December 5, 1933, from the State of Texas into the States of Arkansas and Oklahoma, of quantities of shortening which was misbranded, and on or about August 19, 1933, from the State of Texas into the State of Kansas of a quantity of cottonseed meal which was misbranded. A portion of the shortening was labeled: "Net Wt. 4 lbs. [or "One Lb."] * * * Cream O'Cotton * * * Manufactured and Guaranteed by Texas Refining Co. Greenville, Texas." The remainder of the shortening was labeled: "4 Pounds Net Weight Blue Bonnet Shortening * * * Texas Refining Co. Greenville, Texas." The cottonseed meal was labeled: "Interstate Brand 43% Protein Cotton Seed Cake & Meal Prime Quality Guaranteed Analysis * * * Protein, not less than 43% * * * Made For Interstate Feed Company Fort Worth-Texas."