

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

On October 30, 1935, judgment was entered ordering that 270 cases of the product, labeled "Berwick Bay Brand", be condemned and destroyed. Examination having shown that the remainder of the product was not in violation of the law, the decree ordered that it be released to the claimant.

W. R. GREGG, *Acting Secretary of Agriculture.*

25224. Adulteration of butter. U. S. v. 113 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 35716. Sample nos. 22599-B, 22603-B, 22605-B, 22612-B.)

This case involved shipments of butter, samples of which were found to contain mold, hairs, fragments of insects, and other extraneous matter.

On June 4, 1935, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 tubs of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce, in various shipments, on or about May 14, 21, 23, and 27, 1935, by the West Creamery, from West, Miss., and charging adulteration in violation of the Food and Drugs Act.

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

On November 8 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25225. Adulteration and misbranding of soup dainties. U. S. v. 7½ Cases of Soup Dainties. Default decree of condemnation and destruction. (F. & D. no. 35579. Sample no. 30626-B.)

This product was sold as hygienic pastina (alimentary paste) and was adulterated with soybean flour and added coloring.

On May 31, 1935, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven and one-half cases of soup dainties at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about March 6, 1935, by the Ronzoni Macaroni Co., Inc., from Long Island City, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ronzoni Soup Dainties * * * Ronzoni Macaroni Co., Inc. Long Island City, New York."

The article was alleged to be adulterated in that a product containing soybean meal and an added color, turmeric, had been substituted for "Hygienic Pastina", namely, alimentary paste, which the article purported to be, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of alimentary paste, soybean flour, and added coloring matter, which was represented to be hygienic pastina: "Made from golden grains of wheat and other nourishing ingredients rich in proteins, carbohydrates, minerals and all the vitamins especially A, B and D No artificial color used This certifies that the Ronzoni Macaroni Co., Inc., has manufactured the contents of this package from the golden grains of wheat and other nourishing ingredients rich in proteins, carbohydrates, minerals, vitamins." Misbranding was alleged for the further reason that the article was offered for sale under the name of another article "Hygienic Pastina", namely, alimentary paste made from the same kind of dough as macaroni, uncolored.

On October 21, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25226. Misbranding of potatoes. U. S. v. Owens Farm Co. Plea of guilty. Fine, \$5. (F. & D. no. 34081. Sample nos. 18853-B, 18854-B.)

This case was based on an interstate shipment of potatoes which were below the grade declared on the label.

On August 13, 1935, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Owens Farm Co., a corporation, Wild

Rose, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 8, 1934, from the State of Wisconsin into the State of Kentucky of a quantity of potatoes which were misbranded. The article was labeled in part: (Tag) "Potatoes U. S. Grade No. 1."

The article was alleged to be misbranded in that the statement, "Potatoes U. S. Grade No. 1", borne on the tag, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it did not consist of U. S. Grade No. 1 potatoes but did consist of a lower grade.

On November 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$5.

W. R. GREGG, *Acting Secretary of Agriculture.*

25227. Adulteration and misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 34072. Sample nos. 71236-A, 661-B.)

This case involved butter, a part of which was deficient in milk fat and a part of which was short in weight.

On July 6, 1935, 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 against Swift & Co., a corporation, trading at Tacoma, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about July 9, 1934, from Tacoma, Wash., to Alaska, of a quantity of butter which was adulterated and misbranded. The information further alleged that on or about June 9, 1934, Swift & Co. sold a quantity of butter under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that the said butter had been shipped by the purchaser thereof, the Tacoma Grocery Co., of Tacoma, Wash., on or about June 9, 1934, to Alaska; that it was misbranded in violation of the Food and Drugs Act as amended, and that Swift & Co., the defendant herein, was amenable to prosecution for the violation of the law which would, but for said guaranty, have attached to the shipper. The article was labeled in part: "1 Lb. Net Weight Swift's Premium Quality Brookfield Butter * * * Swift & Company * * * Chicago."

The information alleged that a portion of 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 required by the act of March 4, 1923, which the article purported to be.

Misbranding of the said portion was alleged for the reason that the statement "butter", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser, since said statement represented that the article was butter as defined by law; whereas it was not butter as defined by law, but was a product containing less than 80 percent by weight of milk fat.

Misbranding was alleged with respect to the remainder of the product for the reason that the statement "1 Lb. Net Weight", borne on the packages, was false and misleading; for the further reason that it was labeled so as to deceive and mislead the purchaser, since the packages did not each contain 1 pound of the article, but did contain in each of a large number of packages, less than 1 pound; and 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, since the statement made was incorrect.

On September 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$100 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

25228. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$900. (F. & D. no. 34061. Sample nos. 73852-A, 73855-A, 73857-A.)

This case was based on an interstate shipment of butter which was short in weight.

On July 18, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Portland, Oreg., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about June 23, 1934, and in part on or about June 28, 1934, from the State of Oregon into the State of Washington, of quantities of