

**25770. Adulteration of butter. U. S. v. Milbank Creamery Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36961. Sample no. 41231-B.)**

This case involved an interstate shipment of butter that was deficient in milk fat.

On March 31, 1936, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Milbank Creamery Corporation, Milbank, S. Dak., alleging that on or about October 11, 1935, said defendant had shipped from the State of South Dakota into the State of Minnesota a quantity of butter, and that the article was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, a product deficient in milk fat in that it contained 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 March 4, 1923, which the article purported to be.

On April 8, 1936, plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

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

**25771. Adulteration and misbranding of butter. U. S. v. Charles M. Sanford (Sheldon Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 36964. Sample nos. 30576-B, 41097-B.)**

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

On March 2, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Charles M. Sanford, trading as the Sheldon Creamery, Sheldon, Wis., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about September 17, 1935, from the State of Wisconsin into the State of New York, of a quantity of butter that was adulterated and misbranded.

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.

Misbranding was alleged for the reason that the statement "Butter", borne on a tub containing the article, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since it was not butter as defined and required by law, in that it contained less than 80 percent by weight of milk fat.

On March 18, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

**25772. Misbranding of apple butter. U. S. v. Libby, McNeill & Libby, a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36997. Sample nos. 39346-B, 41286-B, 47739-B.)**

This case involved shipments of apple butter that was short in weight.

On May 1, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Libby, McNeill & Libby, a corporation, trading at Blue Island, Ill., alleging that between the dates of October 9 and December 2, 1935, the said defendant had shipped in various shipments from the State of Illinois into the States of Michigan and Indiana, a number of jars in cases of apple butter, and that the article was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Apple Butter Caramelized Sugar Added Net Weight 1 Lb. 10 Oz. Packed By Libby, McNeill & Libby Chicago Made in U. S. A."

The article was alleged to be misbranded in that the statement "Net Weight 1 Lb. 10 Oz." was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of jars examined contained less than declared on the label. 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 packages, since the statement made was incorrect.

On May 12, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

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

**25773. Adulteration of dressed poultry. U. S. v. Nevada Poultry Co. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. no. 37004. Sample no. 48202-B.)**

This case was based on an interstate shipment of dressed poultry which was found to be in part diseased, decomposed, and unfit for food.

On April 28, 1936, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nevada Poultry Co., a corporation, Nevada, Iowa, charging shipment by said corporation, in violation of the Food and Drugs Act, on or about December 16, 1935, from the State of Iowa into the State of Illinois, of a quantity of dressed poultry which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of animals unfit for food, and in that it was in part the product of diseased animals some of which apparently had died otherwise than by slaughter.

On April 29, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation, and the court imposed a fine of \$10 and costs.

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

**25774. Adulteration of walnut meats. U. S. v. 50 Cartons of Walnut Meats. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37067. Sample no. 53715-B.)**

This case involved an interstate shipment of walnut meats examination of which showed the presence of moldy, wormy, and rancid or decomposed meats.

On January 14, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cartons of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about December 24, 1935, by the Los Angeles Nut House, from Los Angeles, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "25 Lbs. Net Weight L. A. Nut House 722 Market St. Los Angeles Standard Amber Walnut Meats \* \* \* Crescent Mfg. Co. Seattle Washn."

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

On February 11, 1936, the Los Angeles Nut House, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the product be reconditioned.

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

**25775. Adulteration of canned peas. U. S. v. 1,279 Cases of Canned Peas. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37008. Sample nos. 59276-B, 59291-B.)**

This case involved an interstate shipment of canned peas that were found to be in part decomposed.

On January 13, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,279 cases of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about September 6, 1935, by the Smith Canning Co., from Brigham City, Utah, and that it was adulterated 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 decomposed vegetable substance.

On March 13, 1936, the Smith Canning Co., Ogden, Utah, claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the decomposed portion be segregated and destroyed.

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