

26551. Adulteration and misbranding of butter. U. S. v. Lost River Dairy, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 88010. Sample nos. 67057-B, 67058-B.)

This case involved butter that was deficient in milk fat.

On October 19, 1936, 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 Lost River Dairy, Inc., Klamath Falls, Oreg., alleging that on or about June 3, 1936, the defendant company shipped from Klamath Falls, Oreg., into the State of California quantities of butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Lost River Butter * * * Lost River Dairy."

The article was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which statements upon the label of the article represented it to be.

The article was alleged to be misbranded in that the statement on the label, "Lost River Butter", was false and misleading when applied to a product that contained less than 80 percent by weight of milk fat.

On October 30, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

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

26552. Misbranding of apple butter. U. S. v. Louis Maull, Sr. and William H. Leyhe, Jr., Receivers for the Louis Maull Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 38017. Sample nos. 52443-B, 52913-B.)

This case involved apple butter that was short-weight.

On September 9, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Maull, Sr. and William H. Leyhe, Jr., receivers for the Louis Maull Co., a corporation, alleging that on or about February 1 and March 12, 1936, the defendants shipped from St. Louis, Mo., into the States of Kentucky and Illinois, respectively, quantities of apple butter that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Top Notch Brand, Net Wt. 2 Lbs., 2 Ozs. Apple Butter * * * Packed by L. Maull Co., St. Louis, Mo."

The article was alleged to be misbranded in that the statement "Net Wt. 2 Lbs., 2 Ozs.", borne on the label, was false and misleading, and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser since the jars contained less than 2 pounds and 2 ounces of the article.

On October 12, 1936, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$100 and costs against the defendants jointly.

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

26553. Adulteration of huckleberries. U. S. v. 16 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38092. Sample no. 7180-C.)

This case involved huckleberries that were infested with maggots.

On July 14, 1936, the United States attorney for the Western 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 16 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 8, 1936 by J. A. Murphy, from Atkinson, N. C., 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, decomposed, or putrid vegetable substance.

On August 17, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26554. Misbranding of butter. U. S. v. Modern Butter & Egg Corporation; and Charles Cohen, Joseph Jacobs, and William Cohen. Tried to a jury. Verdict of guilty as to corporation; not guilty as to individual defendants. Corporation fined \$200. (F. & D. no. 32905. Sample 58105-A.)

This indictment was based on an interstate shipment of short-weight butter.

On December 23, 1934, the Grand Jurors of the United States for the Southern District of New York presented an indictment against the Modern Butter & Egg Corporation, New York, N. Y., and Charles Cohen, Joseph Jacobs, William Cohen, officers of said corporation, charging shipment by said