

On October 5, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

28629. Adulteration and misbranding of butter. U. S. v. A. B. Winkley Cheese Co. Plea of guilty. Fine, \$55 and costs. (F. & D. No. 39848. Sample Nos. 33173-C, 33184-C, 33212-C.)

This product was deficient in milk fat.

On March 4, 1938, 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 the A. B. Winkley Cheese Co. a corporation, Seattle, Wash., alleging that on or about June 12 and May 15 and 21, 1937, the defendant had shipped from Seattle, Wash., into the Territory of Alaska, quantities of butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Red Rock Butter * * * Kraft-Phenix Cheese Corporation, * * * Kent, Washington."

It was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly for what it purported to be, namely, butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that the shipping cartons and the wrappers bore a statement regarding it, namely, "Red Rock Butter"; that it was not butter; that it was a product containing less than 80 percent by weight of milk fat; and that the statement aforesaid was false and misleading.

On April 4, 1938, a plea of guilty on behalf of the defendant was entered and the court imposed a fine of \$55.

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

28630. Adulteration of tomato catsup. U. S. v. 118 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. No. 40643. Sample No. 62070-C.)

This product contained mold.

On November 3, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 cases of tomato catsup at Dubois, Pa., alleging that the product had been shipped in interstate commerce on or about July 13 and September 23, 1937, by the Farm King Packing Corporation from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The product was labeled in part: "Sumore Brand Tomato Catsup Packed by Farm King Packing Co., Inc. * * * Fredonia, N. Y."

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

On March 31, 1938, a default decree of condemnation, with order of destruction, was entered.

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

28631. Adulteration and misbranding of butter. U. S. v. Turner & Pease Co. Plea of guilty. Fine, \$65. (F. & D. No. 39820. Sample Nos. 33169-C, 33171-C, 33187-C, 33192-C, 33193-C, 33198-C, 36052-C, 36053-C.)

This article was deficient in milk fat.

On March 4, 1938, 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 Turner & Pease Co., a corporation, Seattle, Wash., alleging that on or about May 11, 14, 22, 27, and 28, and June 4, 1937, the defendant had shipped from Seattle, Wash., into the Territory of Alaska quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Meadowbrook * * * Butter Turner & Pease Co., Inc., Seattle."

It was alleged to be adulterated in that a product which contained 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 March 4, 1923, which it purported to be.