

**4854. Adulteration and misbranding of cream. U. S. \* \* \* v. John Christensen, trading as Star Creamery Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6495. I. S. No. 225-h.)**

On August 5, 1915, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Christensen, trading as Star Creamery Co., Tonganoxie, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 21, 1913, from the State of Kansas into the State of Missouri, of a quantity of cream which was adulterated and misbranded. The article was labeled: (On tag) "Return Empty To Star Creamery Company Tonganoxie, Kansas." (On reverse side of tag) "K. C. Mo. 83 # 45.0."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37 per cent fat, by the Babcock test.

Adulteration of the article was alleged in the information, for the reason that a valuable constituent thereof, to wit, butter fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "45.0," borne on the tag attached to the can containing the article, was false and misleading, in that it represented, according to the custom and understanding of the trade, that the article contained 45 per cent of butter fat; and for the further reason that the article was labeled "45.0" so as to deceive and mislead the purchaser into the belief that said article as aforesaid contained 45 per cent of butter fat, whereas, in truth and in fact, it did not, but did contain a less amount, to wit, 37 per cent.

On October 6, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*