

United States Department of Agriculture.

SERVICE AND REGULATORY ANNOUNCEMENTS.

BUREAU OF CHEMISTRY.

SUPPLEMENT.

N. J. 11451-11500.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 21, 1923.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

11451. Adulteration and misbranding of butter. U. S. v. Mississippi Creameries Co., Inc., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16210. I. S. No. 1486-t.)

On December 4, 1922, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Creameries Co., Inc., a corporation, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 21, 1921, from the State of Mississippi into the State of Louisiana, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "One Pound Net Weight Rosedale Creamery Butter."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 77.5 per cent of butterfat. Examination by said bureau showed that the average net weight of 30 1-pound cartons was 15.25 ounces.

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

Misbranding was alleged for the reason that the statement, to wit, "One Pound Net Weight," borne on the package containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. 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 package.

On April 16, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11452. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Decree of condemnation entered. Product released under bond to be reworked and relabeled. (F. & D. No. 16332. I. S. No. 8185-t. S. No. E-3873.)

On May 22, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped

by the Cumberland Valley Creamery, Inc., Nashville, Tenn., May 9, 1922, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Pound Net Sunlight Creamery Butter Sunlight Creameries Washington, C. H. Ohio."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the said article.

Misbranding of the article was alleged for the reason that the statement on the label of the cartons containing the article, "One Pound Net Sunlight Creamery Butter," was false and misleading since the article was not pure butter and the package did not contain 1 pound net, but did contain less than that amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter, 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 not correct.

On July 20, 1922, the Cudahy Packing Co., Inc., having appeared as claimant for the property and having admitted the allegations in the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$60, in conformity with section 10 of the act, conditioned in part that it be re-shipped to the Cumberland Valley Creamery, Inc., Nashville, Tenn., to be re-worked and relabeled under the supervision of this department, and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11453. Adulteration and misbranding of butter. U. S. v. 44 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked and relabeled. (F. & D. No. 16351. I. S. No. 8191-t. S. No. E-3890.)

On July 26, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cases of butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Davidson County Creamery Co., from Lexington, N. C., May 21, 1922, and transported from the State of North Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Piedmont * * * Pure Creamery Butter * * * One Pound Net Davidson County Creamery Co. Lexington, N. C. * * * Each Pound Guaranteed."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements on the labels of the cartons containing the article, regarding the said article, "Butter * * * One Pound Net," were false and misleading since the said article was not pure butter and the packages did not contain one pound net but considerably less than that amount. 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 package.

On July 26, 1922, the Davidson County Creamery Co., Lexington, N. C., claimant, having admitted the allegations in the libel and having filed a bond in the sum of \$200 in conformity with section 10 of the act, conditioned upon compliance by the claimant with the decree of the court, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be re-shipped to the claimant at Lexington, N. C., for re-working, repacking, and relabeling under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11454. Adulteration of chloroform. U. S. v. 1,000 Tins and 40 Tins of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16431, 16595. S. Nos. E-3965, E-4039.)

On or about June 19 and July 10, 1922, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,040 tins of chloroform at