

**11581. Adulteration and misbranding of butter. U. S. v. Homestead Creamery Co., a Corporation. Plea of guilty. Fine, \$6. (F. & D. No. 16407. I. S. Nos. 14123-t, 14124-t.)**

On November 1, 1922, the United States attorney for the District of Nebraska, 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 Homestead Creamery Co., a corporation, Mitchell, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 2, 1922, from the State of Nebraska into the State of Wyoming, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Platte Valley Gold Creamery Butter Guaranteed Pure And Sweet Manufactured By The Homestead Creamery Mitchell, One Pound Net Nebraska." The remainder of the said article was unlabeled.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was high in moisture and low in milk fat. Examination by said bureau of 100 prints from the portion of the article labeled "One Pound Net" showed an average net weight of 15.34 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter which the said article purported to be. Adulteration was alleged with respect to a portion of the article for the further reason that a valuable constituent thereof, to wit, milk fat, had been in part abstracted.

Misbranding was alleged with respect to the unlabeled portion of the product for the reason that it was a product deficient in milk fat, which contained an excessive amount of water, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, butter. Misbranding was alleged with respect to the labeled portion of the said product for the reason that the statement, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net of the said 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 with respect to both lots of the said article for the 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.

On June 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$6.

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

**11582. Adulteration of chloroform. U. S. v. 178 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 16438, 16439. S. No. E-3967.)**

On or about June 22, 1922, the United States attorney for the Western District of South Carolina, 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 178 tins of chloroform, in part at Greer, S. C., and in part at Greenville, S. C., alleging that the article had been shipped from New York, N. Y., on or about March 27, 1922, and transported from the State of New York into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, free chlorine, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On October 23, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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