

therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designations "Concord Grape Soda Water Flavor" and "Soluble Grape Soda Water Flavor" were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On September 30, 1924, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**12809. Adulteration of butter. U. S. v. West Salem Co-Operative Creamery Assoc., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 18354. I. S. No. 4318-v.)**

On July 21, 1924, the United States attorney for the Western District of Wisconsin, 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 West Salem Co-Operative Creamery Assoc., a corporation, West Salem, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about July 11, 1923, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the average milk fat content of 5 samples was 78.96 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On August 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

**12810. Misbranding of stock feed. U. S. v. Akron Feed & Milling Co., a Corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 17923. I. S. Nos. 2150-v, 2201-v.)**

On January 18, 1924, the United States attorney for the Northern District of Ohio, 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 Akron Feed & Milling Co., a corporation, Akron, Ohio, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 16 and March 16, 1923, respectively, from the State of Ohio into the State of Pennsylvania, of quantities of stock feed which was misbranded. The shipment of March 16 was labeled in part: (Tag) "100 Pounds Portage Stock Feed Made By The Akron Feed & Milling Co. Akron, Ohio, Analysis Crude Protein—8½—10% Crude Fat—4% Crude Fibre—10%." The shipment of February 16 was labeled in part: (Sack) "100 Lbs. Portage Stock Feed Analysis Crude Protein 8% \* \* \* Made By The Akron Feed & M'l'g Co. Akron—Ohio."

Analysis by the Bureau of Chemistry of this department of a sample from the shipment of February 16 showed that the said sample contained 7.38 per cent of protein. Analysis by the said bureau of a sample from the shipment of March 16 showed that it contained 7.88 per cent of protein, 3.34 per cent of crude fat, and 11.09 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Analysis Crude Protein—8½—10% Crude Fat—4% Crude Fibre—10%," borne on the tags attached to the sacks of the shipment of March 16, and the statement, to wit, "Crude Protein—8%," borne on the sacks of the shipment of February 16, were false and misleading, in that the said statements represented that the former contained not less than 8½ per cent of crude protein, not less than 4 per cent of crude fat, and not more than 10 per cent of crude fiber, and that the latter contained not less than 8 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the

former contained not less than 8½ per cent of crude protein, not less than 4 per cent of crude fat, and not more than 10 per cent of crude fiber, and that the latter contained not less than 8 per cent of crude protein, whereas, in truth and in fact, the former portion of the article contained less crude protein, less crude fat, and more crude fiber than declared, and the latter portion contained less than 8 per cent of crude protein.

On September 8, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

**12811. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Product ordered destroyed.** (F. & D. No. 18719. I. S. No. 17782-v. S. No. C-4408.)

On June 2, 1924, the United States attorney for the Eastern District of Michigan, 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 boxes of cheese, consigned from Chicago, Ill., remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., May 27, 1924, in interstate commerce, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Brand Dutch Cheese Chicago Cheese and Farm Products Co. This product is made of natural soured curd free from animal fat flavored with nut substances. Complies with all pure food laws."

Adulteration of the article was alleged in the libel for the reason that coconut oil had been mixed and packed therewith so as to injuriously affect its quality, and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese, which is a product made from animal fat. Misbranding was alleged for the further reason that the article was labeled "cheese," which is required by law to be made from animal fat substances, so as to deceive and mislead the purchaser, and for the further reason that the statement "cheese" was false and misleading in that the said product contained foreign fat.

On July 3, 1924, the product having been theretofore ordered by the court to be sold and no market appearing to exist for its sale, judgment of the court was entered, ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**12812. Misbranding of butter. U. S. v. William F. Erving. Plea of guilty. Fine, \$100.** (F. & D. No. 17615. I. S. Nos. 11255-v, 11256-v, 11804-v, 11805-v.)

On November 20, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Erving, San Francisco, Calif., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about March 20, 1923, and in part on or about March 27, 1923, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Ilima Brand Choicest 1 Pound." The remainder of the article was labeled in part: "Lehua Brand Extra Creamery Butter Net Weight One Pound."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 110, 60, 120, and 120 packages from the 4 consignments was 15.61, 15.83, 15.70, and 15.79 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Pound" or "Net Weight One Pound," borne on the packages containing the article, were false and misleading in that the said statements represented that the packages contained 1 pound of butter, or contained 1 pound net weight of butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound of butter, or contained 1 pound net weight of butter, as the case might be, whereas, in truth and in fact, the said packages did not contain 1 pound, or 1 pound net weight, of butter but did contain a less amount. Misbranding