

On May 25, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13474. Adulteration and misbranding of butter. U. S. v. Golden State Milk Products Co. Plea of guilty. Fine, \$250. (F. & D. No. 18581. I. S. No. 11998-v.)

On October 27, 1924, the United States attorney for the Southern 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 the Golden State Milk Products Co., a corporation, El Centro, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about February 18, 1924, from the State of California into the State of Arizona, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Golden State Butter * * * San Francisco Golden State Milk Products Company Los Angeles."

Analyses of five samples of the article by the Bureau of Chemistry of this department showed an average of 79.61 per cent of milk fat.

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 said 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, 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.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the said act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13475. Adulteration and misbranding of butter. U. S. v. the Merchants Creamery Co. Plea of guilty. Fine, \$25. (F. & D. No. 19265. I. S. Nos. 12578-v, 12585-v.)

On January 26, 1925, the United States attorney for the Southern 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 Merchants Creamery Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 18 and 25, 1924, respectively, from the State of Ohio into the State of West Virginia, of quantities of butter, one shipment of which was adulterated and misbranded and the other shipment of which was misbranded. The consignment of March 25, 1924, was labeled in part: "Rose Brand Creamery Butter The Merchants Creamery Company Cincinnati, O. One Pound Net." The consignment of March 18, 1924, was labeled in part: "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 60 packages of the Rose brand butter showed that the average net weight was 15.63 ounces. Analyses of 7 samples from the remaining consignment showed an average of 79.5 per cent of milk fat.

Adulteration was alleged with respect to the consignment of March 18 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, 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.

Misbranding of the Rose brand butter was alleged in the information for the reason that the statement "One Pound Net," borne on the packages containing the article, was false and misleading, in that it represented that each

of the packages contained 1 pound of butter, 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 of butter, whereas each of the packages did not contain 1 pound of butter but did contain a less amount. Misbranding of the said Rose brand butter was alleged 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.

Misbranding was alleged with respect to the consignment of March 25 for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, 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, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On June 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13476. Adulteration of canned cut beans. U. S. v. 503 Cases of Wapco Cut Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 19479. I. S. No. 6261-v. S. No. C-4607.)

On or about January 9, 1925, the United States attorney for the Eastern District of Texas, 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 503 cases of Wapco cut beans, remaining in the original unbroken packages at Denison, Tex., alleging that the article had been shipped by Appleby Bros., from Westfork, Ark., July 29, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wapco Cut Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 8, 1925, the Waples-Platter Grocery Co., Denison, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13477. Adulteration and misbranding of evaporated apples. U. S. v. 35 Cases of Evaporated Apples. Decree adjudging product adulterated and misbranded and ordering its release under bond. (F. & D. No. 19952. I. S. No. 14970-v. S. No. C-4693.)

On March 31, 1925, the United States attorney for the Eastern District of Missouri, 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 35 cases of evaporated apples, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by W. T. Gaylord, jr., Sodus, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Choice * * * Evaporated Snow Flake Apples W. T. Gaylord, Jr., Sodus, Wayne County, New York."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.