

Butter \* \* \* Mistletoe Creameries Fort Worth" (or "Amarillo") "Texas One Pound Net."

Examination by the Bureau of Chemistry of this department of 690 packages of the article, comprising all the shipments, showed an average net weight of 15.71 ounces.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of the packages contained 1 pound net 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 each of the said packages contained 1 pound net of butter, whereas each of the packages did not contain 1 pound net of butter 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 September 10, 1925, the defendant entered a plea of guilty to each of the three informations, and the court imposed fines in the aggregate sum of \$80.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13847. Adulteration and misbranding of butter. U. S. v. 39 Boxes et al. of Butter. Product ordered released under bond.** (F. & D. Nos. 20198, 20234, 20235. I. S. Nos. 24262-v, 24257-v, 24258-v. S. Nos. E-5363, E-5364, E-5410.)

On or about June 29 and July 2, 1925, respectively, the United States attorney for the District of Maryland, 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 93 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned in part June 20, 1925, and in part June 25, 1925, alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding with respect to a portion of the product, and misbranding with respect to the remainder thereof, in violation of the food and drugs act as amended. Sixteen boxes contained butter wrapped in parchment papers labeled: "One Pound Net." The remaining boxes contained butter in cartons labeled in part: "Ayrshire Brand Guaranteed Strictly Pure Creamery Butter \* \* \* Sold By H. C. Christians Co., Johnson Creek, Wis., Rich In Quality Rich In Flavor Contents 1 Pound Net," and was wrapped in parchment wrappers a portion of which were labeled, "One Pound Net," and the remainder of which were labeled, "4 Ounces Net."

Adulteration was alleged in the libels with respect to 77 boxes of the article for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding with respect to a portion of the product was alleged for the reason that it was offered for sale under the distinctive name of another article and the statements "One Pound Net," "One Pound Net," and "4 Ounces Net," as the case might be, with respect to the net weight, were false and misleading and deceived and misled the purchaser, and 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 packages. Misbranding was alleged with respect to the remainder of the product for the reason that the statement "Butter Guaranteed Strictly Pure \* \* \* Rich In Quality Rich In Flavor" was false and misleading and deceived and misled the purchaser.

On July 7, 1925, Arthur Medwedeff having appeared as claimant for the property, decrees of the court were entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, said decrees providing that the portion of the product deficient in butterfat be reworked so as to contain a minimum of 80 per cent of butterfat, and the portion that was short weight have sufficient butter added to the prints to bring them up to the full weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*