

cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the label, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as defined and prescribed by law, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat.

On October 6, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$125.

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

14792. Adulteration and misbranding of butter. U. S. v. Thomas J. Fenn (Valdosta Creamery). Plea of nolo contendere. Fine, \$5. (F. & D. No. 19744. I. S. Nos. 6605-x, 6613-x.)

On April 19, 1926, 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 an information against Thomas J. Fenn, trading as the Valdosta Creamery, Valdosta, Ga., alleging shipment by said defendant, in violation of the food and drugs act, from the State of Georgia into the State of Florida, in part on or about November 5, 1925, and in part on or about November 9, 1925, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Fancy Creamery Butter."

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

Misbranding was alleged for the reason that the statement, to wit, "Fancy Creamery Butter," borne on the labels, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On September 20, 1926, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5.

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

14793. Misbranding of tomatoes. U. S. v. John Demartini Co., Inc. Plea of guilty. Fine, \$25. (F. & D. No. 21548. I. S. Nos. 42-x, 44-x.)

On November 12, 1926, 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 John Demartini Co., Inc., a corporation, San Francisco, Calif., alleging that on or about August 11, 1925, the said company had delivered for shipment in interstate commerce from the State of California to the Territory of Hawaii, quantities of tomatoes in unlabeled crates which were misbranded in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the information 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 November 12, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

14794. Adulteration of oysters. U. S. v. Joseph L. McCready (J. L. McCready & Co.). Plea of guilty. Fine, \$20 and costs. (F. & D. No. 19645. I. S. Nos. 15615-v, 15616-v.)

On June 18, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph L. McCready, trading as J. L. McCready & Co., Baltimore, Md., alleging ship-