

broken packages at Providence, R. I., alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 2, 1927, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines * * * The Brawn Company, Portland, Maine & Plymouth, Mass. * * *."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 10, 1928, 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.

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

15715. Adulteration of tomato puree. U. S. v. 650 Cases of Tomato Puree. Default decree of forfeiture and destruction. (F. & D. No. 21972. I. S. No. 16397-x. S. No. E-6067.)

On July 11, 1927, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 650 cases of tomato puree, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Farmers Canning Co., Dunreith, Ind., May 23, 1927, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 2, 1927, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

15716. Adulteration and misbranding of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 22538. I. S. Nos. 17028-x, 17029-x, 17113-x, 17118-x.)

On December 6, 1927, the United States attorney for the District of Utah, 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 Nelson-Ricks Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, in various lots, on or about April 9, April 15, and August 16, 1927, respectively, from the State of Utah into the State of Nevada, of quantities of butter, which was misbranded, and a portion of which was also adulterated. The article was labeled in part: (Packages) "Banquet Better Butter Pasteurized Nelson-Ricks Creamery Salt Lake and Ogden * * * 1 Pound Net" or "Gold Nugget Pasteurized Butter One Pound Net * * * *Manufactured by Nelson-Ricks Creamery Company, Salt Lake and Ogden."

It was alleged in the information that the article was misbranded in that the statement, "1 Pound Net," or "One Pound Net," as the case might be, borne on the labels, was false and misleading in that the said statement represented that the packages each contained 1 pound 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 the packages each contained 1 pound of butter, whereas they did not, but each of a number of said packages contained a less quantity. 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, in that the quantity stated on each of a number of said packages represented more than the actual contents thereof.

Adulteration was alleged with respect to the "Gold Nugget" butter for the reason that a substance purporting to be butter, but which was not butter in that it contained 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 required by the Act of Congress of March 4, 1923.

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

On February 4, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

15717. Misbranding of cottonseed meal. U. S. v. Kershaw Oil Mill. Plea of nolo contendere. Fine, \$200. (F. & D. No. 21610. I. S. Nos. 13528-x, 16201-x.)

On February 12, 1928, the United States attorney for the Eastern 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 an information against the Kershaw Oil Mill, a corporation, Kershaw, S. C., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about September 27, 1926, and November 3, 1926, from the State of South Carolina into the States of North Carolina and Maryland, respectively, of quantities of cottonseed meal, which was misbranded. The article was labeled in part: "* * * 'Palmetto Brand' Cotton Seed Meal Guaranteed Analysis Protein, Minimum (Equivalent to Ammonia 8%) 41.00 per cent (or 'Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent') * * * Crude Fibre, Maximum 10.00 per cent (or 'Crude Fibre 14.00 per cent') * * * Manufactured by Kershaw Oil Mill Kershaw, South Carolina."

It was alleged in the information that the article was misbranded in that the statements, to wit, "Guaranteed Analysis, Protein, Minimum (Equivalent to Ammonia 8%) 41.00 per cent * * * Crude Fibre, Maximum 10.00 per cent," and "Guaranteed Analysis, Protein (Equiv. Ammonia 7 p. c.) 36.00 per cent * * * Crude Fibre 14.00 per cent," borne on the tags attached to the sacks containing the respective lots of the said article, were false and misleading in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not more than 10 per cent of crude fibre, or contained not less than 36 per cent of protein, equivalent to 7 per cent of ammonia, and not more than 14 per cent of crude fibre, 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 it contained not less than the declared amounts of protein, equivalent to not less than the declared amounts of ammonia, and not more than the declared amounts of crude fibre, whereas the said article contained less protein than declared, less than the equivalent of ammonia so declared, and more crude fibre than declared.

On March 13, 1928, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

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

15718. Adulteration and misbranding of butter. U. S. v. Mandan Creamery & Produce Co. Plea of guilty. Fine, \$50. (F. & D. No. 21593. I. S. Nos. 5496-x, 5497-x, 5498-x, 5535-x, 7701-x to 7706-x, incl.)

On April 30, 1927, the United States attorney for the District of North Dakota, 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 Mandan Creamery & Produce Co., a corporation, Mandan, N. D., alleging shipment by said company, in violation of the food and drugs act as amended, in part on or about April 10, 1926, and in part on or about May 17, 1926, from the State of North Dakota into the State of Massachusetts, of quantities of butter which was adulterated and misbranded. A portion of the article was contained in cartons and tubs, labeled in part, "Creamery Butter." The remainder of the said article was contained in tubs, a portion of which were labeled, "Net 63 Lbs."

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter in that it contained 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.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on a number of the packages containing the article, was