

On December 23, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 boxes of Brock's marshmallow marbles, remaining in the original unbroken packages at Greenville, Miss., alleging that the article had been shipped in interstate commerce on or about March 18, 1931, by the Brock Candy Co., from Chattanooga, Tenn., to Greenville, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Brock's Marshmallow Marbles \* \* \* Brock Candy Co., Chattanooga, Tenn."

It was alleged in the libel that the article was adulterated in violation of the section and paragraph of the act applicable to confectionery in that it contained an ingredient, namely, hard marbles, deleterious or detrimental to health. It was further alleged that the article was adulterated in violation of the section and paragraph of the act applicable to food in that it contained an added deleterious ingredient which might have rendered it injurious to health.

On May 17, 1932, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19833. Adulteration of canned prunes. U. S. v. Eugene Fruit Growers Association. Plea of guilty. Fine, \$50. (F. & D. No. 27547. I. S. Nos. 14623, 24032.)**

This action was based on the interstate shipment of quantities of canned prunes, samples of which were found to be partially decomposed.

On May 10, 1932, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Eugene Fruit Growers Association, a corporation, Eugene, Oreg., alleging shipment by said company, in part on or about November 26, 1930, and in part on or about December 17, 1930, in violation of the food and drugs act, from the State of Oregon into the States of Kansas and Illinois, of quantities of canned prunes that were adulterated. The article was labeled in part: (Cans) "Winwood Brand \* \* \* Italian Prunes" and "Blossom Brand Prune Plums."

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

On May 10, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19834. Adulteration of butter. U. S. v. Lake County Farmers Cooperative Creamery Association. Plea of guilty. Fine, \$10. (F. & D. No. 27513. I. S. No. 29235.)**

This action was based on the interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 per cent of milk fat, the standard provided by act of Congress.

On May 3, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Lake County Farmers Cooperative Creamery Association, a corporation, Two Harbors, Minn., alleging shipment by said company, on or about June 9, 1931, in violation of the food and drugs act as amended, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, in that it 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 defined and required by the act of March 4, 1923.

On May 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19835. Adulteration of butter. U. S. v. Yale Cooperative Creamery. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 27501. I. S. No. 36341.)**

This action was based on the interstate shipment of butter, samples of which were found to be deficient in milk fat, since they contained less than 80 per cent of milk fat, the standard provided by act of Congress.

On March 8, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Yale Cooperative Creamery, a corporation, Yale, Okla., alleging shipment by said company, on or about June 24, 1931, in violation of the food and drugs act as amended, from the State of Oklahoma into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat, in that it 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 defined and required by the act of March 4, 1923.

On May 26, 1932, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19836. Misbranding of butter. U. S. v. Twin City Creamery Co. (Inc.). Plea of guilty. Fine, \$50. (F. & D. No. 26699. I. S. No. 12537.)**

This action was based on the interstate shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On November 23, 1931, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Twin City Creamery Co. (Inc.); a corporation, Kennewick, Wash., alleging shipment by said company in violation of the food and drugs act as amended, on or about May 25, 1931, from the State of Washington into the State of Oregon, of a quantity of butter that was misbranded. The article was labeled in part: "One Pound Net Weight Manufactured by Twin City Creamery Co., Kennewick, Washington."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net Weight," borne on the packages, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the said 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 failed to bear a plain and conspicuous statement of the quantity of the contents on the outside of the package, since the statement made was incorrect.

On May 4, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19837. Adulteration and misbranding of butter. U. S. v. 10 Boxes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28019, 28254. I. S. Nos. 37639, 42354. S. Nos. 6045, 6074.)**

These actions involved two interstate shipments of butter. Samples taken from one of the shipments were found to contain less than 80 per cent by weight of milk fat, the standard for butter prescribed by Congress. In the other shipment sample packages were found to contain less than 1 pound, the declared weight. In both lots the quantity of the contents was not declared in manner required by the law, the statement of weight being incorrect in one instance and entirely absent in the other.

On April 1 and April 2, 1932, 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 the district aforesaid libels praying seizure and condemnation of 23 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on or about March 23, 1932, alleging that the article had been shipped in interstate commerce by the Boone Dairy (Inc.), from Boone, Iowa, to Baltimore, Md., and charging adulteration and misbranding of a portion and misbranding of the remainder, in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Wrapper) "1 Lb. Net Weight;" (shipping package) "From Boone Dairy, Inc. \* \* \* Boone, Iowa. Solid Pounds." The remainder of the article was labeled in part: (Wrapper) "Creamery Butter;" (shipping package) "From Boone Dairy, Inc. \* \* \* Boone, Iowa."