

20144. Adulteration of butter. U.S. v. Perry J. Bradley and Vincent Michalak (Enterprise City Creamery). Plea of guilty. Fine, \$5. (F. & D. No. 28138. I.S. No. 22491.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 9, 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 Perry J. Bradley and Vincent Michalak, copartners, trading as the Enterprise City Creamery, Enterprise, Oreg., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 16, 1932, from the State of Oregon into the State of Washington, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of March 4, 1923.

On September 9, 1932, a plea of guilty to the information was entered, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20145. Adulteration of canned shrimp. U.S. v. 396 Cases of Canned Shrimp. Portion of product released. Remainder condemned and destroyed. (F. & D. No. 27653. I.S. No. 32020. S. No. 5701.)

This case involved the shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On January 11, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 396 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 1931, by Dorgan McPhillips Packing Corporation, from Mobile, Ala., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Gulf Kist Brand Fancy Medium Shrimp * * * Packed by Dorgan McPhillips Packing Corp. Mobile, Ala."

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

On August 3, 1932, the court entered a decree ordering that 242 cases of the product be released to the claimant, the Kelley-Clarke Co., San Francisco, Calif., and that the remaining 154 cases be condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20146. Adulteration and misbranding of butter. U.S. v. 309 Cases of Butter. Product ordered released under bond to be reworked and repacked. (F. & D. No. 28700. Sample No. 13238-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress. Sample cartons of the article were also found to contain less than 1 pound, the declared weight.

On or about August 1, 1932, the United States attorney for the Eastern District of Louisiana, 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 309 cases each containing thirty 1-pound prints of butter, remaining in the original and unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 9, 1932, by the Beatrice Creamery Co., from Oklahoma City, Okla., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "Pasteurized Meadow-Gold Butter Four Prints * * * Contents 1 Lb. net butter * * * Beatrice Creamery Company * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.