

21340. Adulteration of butter. U. S. v. Exeland Cooperative Creamery Association. Plea of nolo contendere. Fine, \$5 and costs. (F. & D. no. 30163. Sample no. 11360-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On May 20, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Exeland Cooperative Creamery Association, a corporation, Exeland, Wis., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 19, 1932, from the State of Wisconsin 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 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923, which the article purported to be.

On July 18, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21341. Adulteration and misbranding of alimentary pastes. U. S. v. Gragnano Products, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 30140. I.S. no. 32275.)

This case was based on the interstate shipment of semolina spaghetti, semolina sea shells, and semolina elbow macaroni that were artificially colored.

On June 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gragnano Products, Inc., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 11, 1932, from the State of California into the State of Utah, of quantities of alimentary pastes that were adulterated and misbranded. The articles were labeled: "Semolina Spaghetti [or 'Sea Shells' or 'Elbow Macaroni'] * * * Manufactured by Gragnano Products, Inc. San Francisco, Calif."

It was alleged in the information that the articles were adulterated in that products which contained no egg and which were artificially colored had been substituted for the said articles. Adulteration was alleged for the further reason that the articles were inferior to semolina spaghetti, semolina sea shells, and semolina macaroni, i.e., products which contained no egg and were colored with a coal tar dye, tartrazine, so as to simulate the appearance of semolina spaghetti, semolina sea shells, and semolina macaroni, and in a manner whereby their inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Semolina Spaghetti", "Semolina Sea Shells", and "Semolina Elbow Macaroni", borne on the labels, were false and misleading and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, in that the statements represented that the articles were semolina spaghetti, semolina sea shells, or semolina elbow macaroni, whereas they were not, but were artificially colored products which contained no egg.

On July 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21342. Adulteration and misbranding of dried egg yolk. U. S. v. Carl O. Bashaw. Plea of guilty. Fine, \$40. (F. & D. no. 30148. I.S. nos. 15515, 15516.)

This case was based on shipments of egg yolk that contained reducing sugars.

On June 23, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Carl O. Bashaw, president of the Bashaw-Arey Co., San Francisco, Calif., alleging shipment by said defendant on or about October 18, 1930, from the State of California into the State of New York of quantities of egg yolk that was adulterated and misbranded. The article was invoiced: (Portion) "Spray Egg Yolk", (remainder) "Yolk Spray Process." Certain cases were labeled: "Tip Top Brand Bashaw Arey Co. * * * San Francisco, Calif."