

22032. Adulteration and misbranding of butter. U. S. v. Elmer Frimoth (Sanitary Butter Co.). Plea of guilty. Fine, \$40 and costs. (F. & D. no. 30154. Sample no. 5522-A.)

This case was based on shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On May 10, 1933, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer Frimoth, trading as the Sanitary Butter Co., Clinton, Iowa, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 7 and May 9, 1932, from the State of Iowa into the State of Illinois, of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Sunlight Creamery Butter Sunlight The Cudahy Packing Co., General Offices Chicago Distributors."

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 must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the cartons, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product containing not less than 80 percent by weight of milk fat, whereas it was not butter since it contained less than 80 percent by weight of milk fat.

On November 28, 1933, the defendant entered a plea of guilty, and the court imposed a fine of \$40 and costs.

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

22033. Adulteration of dried black figs. U. S. v. 259 Cases of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31777. Sample no. 50965-A.)

This case involved a shipment of black figs that were found to be insect-infested.

On December 28, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 259 cases of dried black figs at Denver, Colo., consigned by the California Packing Co., and invoiced by the Roeding Fig & Olive Co., from Fresno, Calif., alleging that the article had been shipped in interstate commerce on October 10 and November 8, 1933, from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Elk Brand Black Figs."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On February 24, 1934, 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.

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

22034. Adulteration of apples. U. S. v. 8 Baskets and 120 Bushels of Apples. Default decree of destruction. (F. & D. no. 31799. Sample nos. 57917-A, 57918-A.)

This case involved a shipment of apples that were found to bear arsenic and lead in amounts that might have rendered them injurious to health.

On November 27, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 baskets and 120 bushels of apples at Paducah, Ky., consigned by R. A. Watson, Neoga, Ill., alleging that the article had been shipped in interstate commerce on or about November 23, 1933, from Neoga, Ill., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson—Morrison Valley City, Ill."

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.