

22286. Adulteration of butter. U. S. v. Bernard Augustine (Rock County Creamery). Plea of guilty. Fine, \$1. (F. & D. no. 29428. Sample no. 4671-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On April 3, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bernard Augustine, trading as the Rock County Creamery, Bassett, Nebr., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about August 14, 1932, from the State of Nebraska into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the libel that the article was adulterated in that a product which contained 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 prescribed by the act of March 4, 1923, which the article purported to be.

On April 26, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$1.

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

22287. Adulteration and misbranding of dried buttermilk feed. U. S. v. William G. Slugg. Plea of guilty. Fine, \$40. (F. & D. no. 29500. I.S. nos. 18569, 18570. Sample nos. 17781-A, 17782-A.)

This case was based on shipments of alleged dried buttermilk feed. Analyses showed that powdered skim milk had been substituted for dried buttermilk and that the article contained less fat than declared on the label.

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 William C. Slugg, trading at Deerfield, Wis., alleging shipment by said defendant, on or about December 26, 1931, February 26, June 14, and June 20, 1932, from the State of Wisconsin into the State of Maryland, of quantities of dried buttermilk feed which was adulterated and misbranded. The article was labeled in part: (Tags) "Slugg's Pure Dried Buttermilk Feed Manufactured by W. G. Slugg, Milwaukee, Wis. * * * Guaranteed Analysis * * * Crude Fat Not Less Than 6%."

It was alleged in the information that the article was adulterated in that a substance, powdered skim milk, had been mixed and packed therewith, so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Pure Dried Buttermilk," and "Crude Fat Not Less than 6%", borne on the tags, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was not pure dried buttermilk, but was a product consisting largely of powdered skim milk, and the fat content was less than 6 percent.

On December 5, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

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

22288. Adulteration and misbranding of confectionery. U. S. v. 159 Boxes of Confectionery, labeled as "Cordials." Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32020. Sample no. 60443-A.)

This case involved a shipment of confectionery that contained alcohol. The article was labeled "Not a Confection" in an attempted disclaimer of responsibility for shipment of confectionery containing spirituous liquor.

On February 21, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 159 boxes of confectionery at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about January 27, 1934, by the Universal Carloading & Distributing Co., for the Berkshire Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as "Kiklets", and was labeled in part: "Cordials Cordial (Not a Confection)."

It was alleged in the libel that the article was adulterated, under the provisions of the law relating to confectionery, in that it contained alcoholic sirup.

Misbranding was alleged, under the provisions of the law relating to food, in that the statement on the label, "Cordial (not a confection)", was false and misleading and tended to deceive and mislead the purchaser.

On April 5, 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.*

22289. Misbranding of canned orange juice. U. S. v. 8½ Cases of Canned Orange Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30512. Sample no. 30448-A.)

Sample cans of orange juice taken from the shipment in this case were found to contain less than 8 ounces, the labeled volume.

On May 28, 1933, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8½ cases of canned orange juice at Lynchburg, Va., alleging that the article had been shipped in interstate commerce on or about August 30, 1932, by the Orange County Cannery, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vita Vac Brand Natural California Orange Juice contents 8 fl. ozs. * * * Orange County Cannery, Inc., Fullerton, California."

It was alleged in the libel that the article was misbranded in that the statement "Contents Eight Fl. Ozs.", was false and misleading and deceived and misled the purchaser, and 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, since the statement made was incorrect.

On December 4, 1933, 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.*

22290. Adulteration of butter. U. S. v. Theodore L. Hoef (Monroe City Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30257. Sample no. 4170-A.)

This case was based on an interstate shipment of butter which contained less than 80 percent by weight of milk fat.

On October 13, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Theodore L. Hoef, trading as the Monroe City Creamery, Monroe City, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Missouri into the State of Illinois, of a quantity of butter which 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 must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On December 4, 1933, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

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

22291. Adulteration of canned shrimp. U. S. v. 400 Cases, et al., of Canned Shrimp. Decrees of condemnation and forfeiture. Portion of product destroyed. Remainder released under bond. (F. & D. nos. 31829, 31876. Sample nos. 60519-A, 60520-A, 60535-A.)

These cases involved shipments of canned shrimp which was found to be in part decomposed.

On January 10 and January 24, 1934, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 525 cases of canned shrimp at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 27, 1933, by the Dixie Fisheries, Inc., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled, "Mount