

about April 3, 1933, from the State of Texas into the State of New York, of quantities of butter that was adulterated. A portion of the article was labeled in part: "Jos. J. Herold Co., New York." The remainder was labeled in part: "F. F. Lowenfels & Son New York."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, since 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 defined and required by the act of Congress of March 4, 1923, which the article purported to be.

On May 22, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

22382. Adulteration and misbranding of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$30. (F. & D. no. 30289. Sample nos. 23149-A, 25099-A, 36119-A.)

This case was based on interstate shipments of two lots of butter that was deficient in milk fat and one lot that was short weight.

On January 26, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nelson-Ricks Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, on or about November 4, 1932, and May 11, 1933, from the State of Utah into the States of California and Nevada, of quantities of butter that was adulterated and misbranded, and on or about April 15, 1933, from the State of Utah into the State of California, of a quantity of butter that was misbranded. A part of one shipment was contained in fiber cases labeled, "Butter 68 Lbs. Net." The two other shipments consisted of print butter, labeled in part: "Banquet Better Butter Pasteurized Nelson-Ricks Creamery Company Salt Lake City, Utah" and "Rose Bud Pasteurized Creamery Butter Net Weight One Pound The Cudahy Packing Co. Distributors", respectively.

The information charged that two lots of the article were 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 by the act of March 4, 1923, which the article purported to be.

Misbranding of two lots found deficient in milk fat was alleged in that a part of one of the lots, and all of the remaining lot, were labeled "Butter", which was false and misleading and tended to deceive and mislead the purchaser, since it was not butter as defined by law. Misbranding of the third lot was alleged for the reason that the statement, "Net Weight One Pound", borne on the cartons, was false and misleading, and tended to deceive and mislead the purchaser, since the cartons contained less than 1 pound; and for the further reason that it 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 May 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$30.

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

22383. Misbranding of canned red kidney beans, canned brown beans, canned black eyed peas, and canned baby lima beans. U. S. v. Waples Platter Co. Plea of guilty. Fine, \$50. (F. & D. no. 30318. Sample nos. 2238-A to 2241-A, incl.)

Samples taken from each of the shipments involved in this case were found to contain less than 16 ounces, the labeled weight.

On January 19, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Waples Platter Co., a corporation, Fort Worth, Tex., trading at Farwell, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various shipments on or about February 25, March 4, November 18 and December 16, 1931, from the State of Texas into the State of New Mexico, of quantities of canned goods that were misbranded. The articles were labeled in part: (Can) "Wapco Red Kidney Beans [or "Brown Beans", "Black Eyed Peas", or "Baby Lima Beans"] Contents 16 Oz., Distributed by Waples Platter Company, Texas."

It was alleged in the information that the articles in each of a number of the cans were misbranded in that the statement "Contents 16 Oz.", borne on

the cans, was false and misleading, and for the further reason that they were labeled so as to deceive and mislead the purchaser, since a large number of the cans of each product contained less than 16 ounces. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On May 21, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

22384. Adulteration of frozen eggs. U. S. v. Ovson Egg Co. Judgment of guilty. Fine, \$100. (F. & D. no. 30326. Sample no. 7168-A.)

This case was based on an interstate shipment of frozen eggs, samples of which were found to be sour, musty, putrid, or slightly sour.

On November 2, 1933, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ovson Egg Co., a corporation, trading at Dallas, Tex., alleging shipment by said company, on or about June 30, 1931, from the State of Texas into the State of Louisiana, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Ovson Egg Company Whole Eggs, Chicago, Illinois. * * * A Product of National Dairy."

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

On June 4, 1934, a plea of not guilty having been entered on behalf of the defendant company and a jury having been waived, the case was tried to the court, judgment of guilty was entered, and a fine of \$100 was imposed.

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

22385. Misbranding of olive oil. U. S. v. 38 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be repackaged and properly labeled. (F. & D. no. 30406. Sample no. 31991-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On May 4, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 cans of olive oil at Hartford, Conn., alleging that the article had been shipped in interstate commerce, on or about April 18, 1933, by the Italian Olive Oil Corporation from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Contains One Full Gallon * * * C. B. Crisafulli Brand Choicest Pure Olive Oil."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contains One Full Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 April 5, 1934, the Italian Olive Oil Corporation, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be emptied into other containers and properly labeled as to the quantity of the contents.

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

22386. Misbranding of olive oil. U. S. v. 27 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond to be repackaged and properly labeled. (F. & D. no. 30678. Sample no. 32041-A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the labeled volume.

On or about July 7, 1933, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of olive oil at Waterbury, Conn., alleging that the article had been shipped in interstate