

buttermilk which was misbranded. The article was labeled in part: (Tag) "Dried Buttermilk Guaranteed Analysis \* \* \* Crude Fat not less than 5% \* \* \* From Land O'Lakes Creameries, Inc. \* \* \* Minneapolis, Minnesota."

It was alleged in the information that the article was misbranded in that the statements, "Dried Buttermilk" and "Guaranteed Analysis \* \* \* Crude Fat, not less than 5%", borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not dried buttermilk, but was dried skimmed milk, and it contained less than 5 percent of crude fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, dried buttermilk.

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.*

**22481. Adulteration of butter. U. S. v. Carbon County Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 31480. Sample nos. 29170-A, 29684-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.

On April 7, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Carbon County Creamery Co., a corporation, Red Lodge, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 5, 1933, from the State of Montana into the State of California, and on or about June 19, 1933, from the State of Montana into the State of Washington (destination subsequently changed to Los Angeles, Calif.), of quantities of butter which was adulterated. The article was labeled in part: "T. B. Klock & Co., J. C. Seattle, Wn."

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 defined by the act of Congress of March 4, 1923, which the article purported to be.

On May 2, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**22482. Adulteration and misbranding of tomato paste. U. S. v. Marlboro Canning Corporation. Plea of guilty. Fine of \$200 on each of two counts. Sentence suspended on count II. (F. & D. no. 31487. Sample no. 32598-A.)**

This case was based on a shipment of tomato paste which was insufficiently concentrated and which contained excessive mold.

On May 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marlboro Canning Corporation, Marlboro, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 19, 1932, from the State of New York into the State of Florida, of a quantity of tomato paste which was adulterated and misbranded. The article was labeled in part: (Can) "Lola Brand Tomato Paste \* \* \* Salsa Di Pomodoro \* \* \* Packed in U. S. A. By The Marlboro Canning Corp. Marlboro, N. Y."

It was alleged in the information that the article was adulterated in that a product deficient in tomato solids, i. e., an insufficiently concentrated strained tomato product, had been substituted for tomato paste, which the article purported to be; and for the further reason that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statements, "Tomato Paste" "Salsa Di Pomodoro", borne on the can label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was tomato paste, whereas it was not, but was an insufficiently concentrated strained tomato product containing less tomato solids than tomato paste.

On May 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200 on each of the two counts of the information, and suspended sentence on the second count.

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