

Analysis Crude Protein, not less than 43 Per Cent", and "Crude Fibre, not more than 10 per cent", with respect to a portion of the article; the statements "43 Per Cent Protein Cottonseed Meal", and "Guaranteed Analysis Crude Protein, not less than 43 per cent", with respect to a portion; and the statement "Guaranteed Analysis Protein (Min.) 43.00%", with respect to a portion, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less crude protein than declared on the label and a portion of the article contained more fiber than so declared.

On October 8, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$75.

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

24196. Misbranding of canned cut green beans and canned pork and beans. U. S. v. The Smith Canning Co. Plea of guilty. Fine, \$28. (F. & D. no. 31497. Sample nos. 41940-A, 42028-A.)

This case was based on interstate shipments of short-weight canned goods.

On December 3, 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 Smith Canning Co., a corporation, Clearfield, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 4, 1933, from the State of Utah into the State of Idaho, of a quantity of canned cut green beans which were misbranded. The information further charged that the defendant company on or about August 1, 1932, sold and delivered to the Western States Grocery Co., Salt Lake City, Utah, under a guaranty that the product was not misbranded in violation of the Food and Drugs Act, a quantity of canned pork and beans; that on April 27, 1933, a quantity of the said pork and beans in the identical condition as when so sold and delivered, was shipped in interstate commerce from the State of Utah into the State of Wyoming, by the Western States Grocery Co.; and that the article was misbranded in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Smith Brand Fancy Cut Green Beans Net Contents 11 Ozs. [or "Dinnerette Brand Pork and Beans * * * Contents 16 Ozs.]" Smith Canning Co. Clearfield, Utah."

The articles were alleged to be misbranded in that the statements "Contents 11 Ozs.", with respect to the canned cut green beans, and "Contents 16 Ozs.", with respect to the canned pork and beans, 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, since the cans contained less than so declared. 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 package.

On March 11, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$28.

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

24197. Adulteration and misbranding of butter. U. S. v. The Cudahy Packing Company of Nebraska. Plea of guilty. Fine, \$27. (F. & D. no. 31526. Sample no. 23139-A.)

This case was based on an interstate shipment of butter that was deficient in milk fat and short weight.

On September 15, 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 Cudahy Packing Company of Nebraska, a corporation, trading at Salt Lake City, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 9, 1933, from the State of Utah into the State of Nevada of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Sunlight Pasteurized Creamery Butter One Pound Net Sunlight The Cudahy Packing Co. General Offices Chicago Distributors."

The article was alleged to be adulterated in that a product containing 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 Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the package, 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 butter, a product which should contain not less than 80 percent by weight of milk fat, and that each of the packages contained 1 pound net thereof; whereas it did not contain 80 percent by weight of milk fat but did contain a less amount and each of the packages contained less than 1 pound net of the said article. 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 March 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$27.

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

24198. Adulteration of dried apples. U. S. v. 150 Bags of Dried Apples. Default decree of condemnation and destruction. (F. & D. no. 32019. Sample no. 42555-A.)

This case involved an interstate shipment of dried apples which were found to be in part insect-infested, decomposed, and dirty.

On February 21, 1934, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of dried apples at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, by S. V. Tomlinson, from North Wilkesboro, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24199. Adulteration of frozen eggs. U. S. v. The Fairmont Creamery Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 32092. Sample no. 26998-A.)

This case was based on an interstate shipment of frozen eggs which were found to be in part decomposed.

On April 18, 1934, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation trading at Dodge City, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 9, 1933, from the State of Kansas into the State of Ohio, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Fancy Fairmont's Frozen Fresh Eggs * * * Packed by The Fairmont Creamery Co. General Offices-Omaha Nebr. Whole Eggs."

The article was alleged to be adulterated in that it consisted in part of a decomposed and putrid animal substance.

On March 12, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

24200. Adulteration of butter. U. S. v. National Butter Company of Iowa. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32099. Sample no. 40684-A.)

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

On October 31, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Butter Company of Iowa, a corporation, Dubuque, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 27, 1933, from the State of Iowa into the State of Michigan, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product