

24339. Adulteration and misbranding of butter. U. S. v. Hattiesburg Creamery & Produce Co. Plea of guilty. Fine, \$50. (F. & D. no. 31503. Sample no. 33673-A.)

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

On June 23, 1934, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hattiesburg Creamery & Produce Co., a corporation, Hattiesburg, Miss., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 10, May 14, and May 15, 1933, from the State of Mississippi into the State of Louisiana of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Extrafancy Morning Glory Creamery Butter Morning Glory Creameries, Inc. One Pound Net Weight * * * Borden Associated Companies."

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 Weight", 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 the said statements represented that the article was butter, a product which should contain 80 percent by weight of milk fat, and that the packages each contained 1 pound thereof; whereas it did not contain 80 percent by weight of milk fat, but did contain a less amount and the packages contained less than 1 pound net weight of the 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.

On February 28, 1935, 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.*

24340. Adulteration of butter. U. S. v. Farmers Mutual Creamery Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 31504. Sample no. 32514-A.)

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

On October 9, 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 Farmers Mutual Creamery Co., a corporation, Monticello, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 3, 1933, from the State of Iowa into the State of New York, 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 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.

On October 23, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

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

24341. Adulteration of apples. U. S. v. 528 Bushels and 195 Bushels of Apples. Decrees of condemnation. Product released under bond, conditioned that the deleterious substances be removed. (F. & D. nos. 35191, 35192. Sample nos. 25105-B, 25121-B, 25122-B.)

Examination of the apples involved in these cases showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On or about December 5, 1934, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 723 bushels of apples at Detroit, Mich., alleging that the article had been shipped in interstate commerce by George W. Haxton & Son, in part on or about September 28, 1934, from Wilson, N. Y., and in part on or about October 4, 1934, from Barker,