

On January 22, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hunt Bros. Packing Co., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about February 9, 1933, from the State of California into the State of New York of a quantity of canned black raspberries which were misbranded. The article was labeled in part: "White Top Black Raspberries Contents 6 Lbs. 7 Oz. R. C. Williams & Co. Inc. Distributors New York."

The article was alleged to be misbranded in that the statement "Contents 6 Lbs. 7 Oz.", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans did not contain 6 pounds 7 ounces of the article, but did contain a less amount. 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 June 18, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$250.

W. R. GREGG, *Acting Secretary of Agriculture.*

24803. Adulteration of butter. U. S. v. Alliance Creamery Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. no. 32148. Sample no. 38575-A.)

This case was based on a shipment of butter that was deficient in milk fat.

On August 10, 1934, 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 the Alliance Creamery Co., a corporation, Alliance, Nebr., alleging shipment by said company in violation of the Food and Drugs Act on or about June 29, 1933, from the State of Nebraska into the State of California 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 March 4, 1923, which the article purported to be.

On September 16, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$25 and costs.

W. R. GREGG, *Acting Secretary of Agriculture.*

24804. Misbranding of canned boneless chicken. U. S. v. Elmwood Farm Co. Plea of nolo contendere. Fine, \$10. (F. & D. no. 32163. Sample no. 55507-A.)

This case was based on an interstate shipment of canned boneless chicken which was short weight.

On August 11, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Elmwood Farm Co., a corporation, North Leominster, Mass., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1, 1933, from the State of Massachusetts into the State of Pennsylvania of a quantity of canned boneless chicken which was misbranded. The article was labeled in part: (Jar) "Elmwood Farm Boneless Chicken Net Weight 11 Oz. Packed by Elmwood Farm Co. North Leominster, Mass."

The article was alleged to be misbranded in that the statement on the jar label, "Net Weight 11 Oz.", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars did not each contain 11 ounces of the article but did contain less than 11 ounces. 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 was incorrect, some of the packages containing not more than 9.84 ounces and the average net weight of all packages examined being not more than 10.18 ounces.

On July 15, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$10.

W. R. GREGG, *Acting Secretary of Agriculture.*