

26537. Adulteration of butter. U. S. v. Northern Creamery Co. Plea of guilty. Fine, \$125. (F. & D. no. 37016. Sample nos. 40872-B, 40874-B.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On April 29, 1936, 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 Northern Creamery Co., a corporation, Great Falls, Mont., alleging that on or about December 13, 1935, said defendant had shipped from the State of Montana into the State of Washington quantities of butter that was adulterated in violation of the Food and Drugs Act.

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 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 October 16, 1936, a motion to dismiss filed by the defendant was overruled by the court without opinion. On October 27, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$125.

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

26538. Misbranding of cottonseed cake or meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$500. (F. & D. no. 37021. Sample nos. 49181-B to 49184-B, incl., 49188-B.)

This case involved cottonseed cake or meal that contained less crude protein than the amount declared on the label.

On September 23, 1936, 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 Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging that between the dates of November 29, 1935, and February 3, 1936, the defendant company shipped from Waxahachie, Tex., into the State of Kansas, quantities of cottonseed cake or meal that was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "43% Protein Cottonseed Cake or Meal * * * Manufactured by Southland Cotton Oil Co. Waxahachie, Texas Guaranteed Analysis: Crude Protein (not less than) 43%." The remainder was labeled: "Interstate Brand Prime Cottonseed Cake And Meal * * * Guaranteed Analysis Protein, not less than 43% * * * Made for Interstate Feed Company Fort Worth, Texas."

The article was alleged to be misbranded in that the statements, "43% Protein", "Guaranteed Analysis: Crude Protein (not less than) 43%", and "Guaranteed Analysis Protein, not less than 43%", borne on the tags attached to the sacks, were false and misleading in that said statements represented that the protein content in said article was not less than 43 percent; whereas it was less than 43 percent and in that said statements were borne on said tags so as to deceive and mislead the purchaser into the belief that the protein content was not less than 43 percent, whereas it was less than the amount stated.

On October 14, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

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

26539. Adulteration of preserves. U. S. v. G. & H. Products, Inc. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. no. 37058. Sample no. 19094-B.)

This case involved assorted preserves that contained added glucose, water, and pectin.

On August 25, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. & H. Products, Inc., St. Louis, Mo., alleging that on or about January 2, 1936, the defendant company shipped from St. Louis, Mo., into the State of Illinois quantities of preserves that were adulterated in violation of the Food and Drugs Act. The articles were variously labeled in part: "Hi-Stile Brand Pure Preserves Packed by Hemple Mfg. Co. St. Louis, Mo. Pure Pineapple Preserves [or "Cherry", "Peach", "Strawberry", or "Blackberry"]."

The articles were alleged to be adulterated in that added glucose, water, and pectin had been mixed and packed with the articles so as to reduce,