

**29161. Adulteration of butter. U. S. v. 2 Cases, 4 Cases, and 11 Pounds of Butter. Default decree of forfeiture and destruction.** (F. & D. No. 42492. Sample No. 27626-D.)

This product contained less than 80 percent of milk fat.

On May 12, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 cases and 11 pounds of butter at East St. Louis, Ill., consigned on or about May 5, 1938; alleging that the article had been shipped in interstate commerce from St. Louis, Mo., by the Hunter Packing Co.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained less than 80 percent by weight of milk fat.

On June 7, 1938, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29162. Misbranding of potatoes. U. S. v. 200 Barrels of Potatoes. Default decree of condemnation and destruction.** (F. & D. No. 42345. Sample No. 16814-D.)

This product fell below the grade declared on the label.

On May 9, 1938, 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 a libel praying seizure and condemnation of 200 barrels of potatoes at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about May 1, 1938, from Jacksonville, Fla., by Florida Planters, Inc., of Hastings, Fla.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the barrel, "U. S. No. 1," was false and misleading and tended to deceive and mislead the purchaser when applied to potatoes below U. S. grade No. 1.

On June 6, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29163. Adulteration of apple butter. U. S. v. 12 Cases of Apple Butter. Default decree of condemnation and destruction.** (F. & D. No. 42395. Sample No. 13157-D.)

This product contained lead.

On May 17, 1938, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of apple butter at New Haven, Conn.; alleging that the article had been shipped in interstate commerce on or about February 21, 1938, from Baltimore, Md., by A. H. Renehan & Son, of Sykesville, Md.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Patapsco Brand Pure Apple Butter A. H. Renehan & Son Sykesville, Md."

It was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, lead, which might have rendered it injurious to health.

On June 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29164. Misbranding of olive oil. U. S. v. 24 Dozen Bottles of Olive Oil. Default decree of condemnation. Product ordered delivered to charitable institution.** (F. & D. No. 42364. Sample No. 24220-D.)

This product was short of the declared volume.

On May 10, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen bottles of olive oil at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or about March 15, 1938, from Pittsburgh, Pa., by Sachs Manufacturing Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Aro Pure Virgin Imported Olive Oil \* \* \* Sachs' Mfg. Co., Pittsburgh, Pa."

The article was alleged to be misbranded in that the statement on the label, "Contents 1½ Fl. Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and that it 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 quantity stated was not correct.

On June 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29165. Adulteration of wheat gray shorts and screenings. U. S. v. Shawnee Milling Co. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 40828. Sample No. 3901-D.)**

This product was represented to be wheat gray shorts and screenings, but consisted in part of wheat brown shorts and screenings. In addition, it contained a larger proportion of crude fiber than declared on its label.

On May 23, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Shawnee Milling Co., a corporation, Shawnee, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 17, 1937, from the State of Oklahoma into the State of Texas, of a quantity of wheat gray shorts and screenings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Gray Shorts and Screenings \* \* \* Manufactured by Shawnee Milling Company, Shawnee, Oklahoma."

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted wholly for wheat gray shorts and screenings, which it purported to be.

Misbranding was alleged in that the statements on the tag, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 Per Cent," were false and misleading since the article was composed of wheat brown shorts and screenings and contained crude fiber in excess of 7 percent.

On June 11, 1938, a plea of guilty having been entered in behalf of the defendant, the court imposed a fine of \$20 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29166. Adulteration and misbranding of macaroni products. U. S. v. Mission Macaroni Manufacturing Co. Plea of guilty. Fine, \$17 and costs. (F. & D. No. 40809. Sample Nos. 30939-C, 30940-C, 30945-C, 30947-C, 30948-C, 30949-C, 30950-C.)**

These products were made from a substance or substances other than semolina and were labeled and colored to indicate that they were made from 100-percent pure semolina.

On May 20, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mission Macaroni Manufacturing Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about February 1, 1937, to on or about May 12, 1937, from the State of Washington into the State of Idaho, of quantities of macaroni products which were adulterated and misbranded. They were labeled in part: "Mission Brand 100% Pure Semolina. Manufactured by Mission Macaroni Mfg. Co., Seattle."

The articles were alleged to be adulterated in that macaroni products made in whole or in part from a substance or substances other than semolina had been substituted for macaroni products made from 100-percent pure semolina, which they purported to be; and in that they were inferior to macaroni products made from 100-percent pure semolina and had been colored with tartrazine S & J No. 94 to simulate the appearance of macaroni products made from 100-percent pure semolina, and in a manner whereby their inferiority to such products was concealed.

The articles were alleged to be misbranded in that the statement on the labels, "100% Pure Semolina," was false and misleading and was borne on the labels so as to deceive and mislead the purchaser, since it represented that the articles were made from 100-percent pure semolina; whereas they were not but were made in whole or in part from a substance or substances other than 100-percent pure semolina.

On June 13, 1938, a plea of guilty having been entered in behalf of the corporation, the court imposed a fine of \$17 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*