

30695. Adulteration of butter. U. S. v. Oliver G. Harp (O. G. Harp Poultry & Egg Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 42726. Sample Nos. 54125-D, 54128-D.)

This product contained less than 80 percent of milk fat.

On June 12, 1939, 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 Oliver G. Harp, trading as O. G. Harp Poultry & Egg Co., at Shawnee, Okla.; alleging shipment by said defendant in violation of the Food and Drugs Act on or about January 23, 1939, from the State of Oklahoma into the State of Illinois, of a quantity of butter that 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.

On June 17, 1939, the defendant having entered a plea of guilty, the court imposed a fine of \$25 and costs.

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

30696. Adulteration and misbranding of cheese. U. S. v. 70 Boxes of Cheese. Product ordered released under bond for relabeling. (F. & D. No. 44285. Sample No. 31072-D.)

This product was deficient in fat and contained excessive moisture.

On November 4, 1938, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 boxes of cheese at Phoenix, Ariz.; alleging that the article had been shipped in interstate commerce on or about October 21, 1938, from La Veta, Colo., by Frink Creamery Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Full Cream No. 1 Cloverbloom Factory No. 107."

It was alleged to be adulterated in that a substance deficient in fat and containing excess moisture had been mixed and packed with it so as to reduce or lower its quality, and had been wholly or in part substituted for full-cream or whole-milk cheese.

Misbranding was alleged in that the label statement "Full Cream" was false and misleading and tended to deceive and mislead the purchaser when applied to an article which was deficient in fat and contained excess moisture.

On December 9, 1938, the Frink Creamery Co, claimant, having consented to the entry of a decree, the product was ordered released under bond, conditioned that it not be disposed of contrary to law and that it be relabeled so as to conform to the Food and Drugs Act.

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

30697. Adulteration and misbranding of butter. U. S. v. 40 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. & D. No. 45406. Sample No. 57649-D.)

This product contained less than 80 percent of milk fat.

On May 10, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cubes of butter at Los Angeles, Calif.; alleging that the article had been shipped in interstate commerce on or about May 2, 1939, from Beaver, Utah, by Brooklawn Creamery Co.; and charging adulteration and misbranding 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 should contain not less than 80 percent of milk fat.

Misbranding was alleged in that the label statement "Sweet Cream Butter" was false and misleading and deceived and misled the purchaser when applied to an article containing less than 80 percent milk fat.

On May 25, 1939, Brooklawn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

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