

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

31141-31156

FOODS

The case reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*
Washington, D. C., January 12, 1943.

31141. Alleged adulteration of butter. U. S. v. Thomas B. Archer and Abram Archer (Archer Produce Co.). Pleas of not guilty. Tried to the court. Judgment of not guilty. (F. & D. No. 42576. Sample No. 21743-D.)

On September 14, 1938, the United States attorney for the Northern District of Oklahoma filed an information against Thomas B. Archer and Abram Archer, copartners trading as Archer Produce Co. at Vinita, Okla., alleging shipment on or about April 24, 1938, from the State of Oklahoma into the State of Illinois of a quantity of butter which was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be.

On May 28, 1940, the defendants having entered pleas of not guilty and having waived a jury, the case was tried to the court upon a statement of the facts and the defendants were found not guilty.

31142. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, \$300. (F. & D. No. 42745. Sample Nos. 45234-D, 45237-D, 45472-D.)

Examination of samples of this product showed shortage from the declared weight; and in two of the three shipments, deficiency in milk fat.

On October 1, 1941, the United States attorney for the Middle District of Georgia filed an information against Armour & Co., a corporation at Tifton, Ga., alleging shipment in interstate commerce on or about January 6, February 24, and March 3, 1939, from the State of Georgia into the State of Florida of a quantity of butter that was misbranded and a part of which was also adulterated. The article was labeled in part: "Armour's Star Quality Cloverbloom Butter." Two of the three shipments were alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

All shipments of the article were alleged to be misbranded in that the statements, (cartons) "One Pound Net" and "1 Lb. Net Weight," and (wrappers) "1/4 lb. Net weight," were false and misleading since the cartons and wrappers did not contain 1 pound and 1/4 pound, respectively, but did contain smaller amounts. It was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On March 16, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$300.