

**4390. Misbranding of ice cream. U. S. \* \* \* v. Thompson-Reid Ice Cream Co., a corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6131. I. S. No. 2129-h.)**

At the June 1915 term of the District Court of the United States for the Northern District of Illinois, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed an information against the Thompson-Reid Ice Cream Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 16, 1913, from the State of Illinois into the State of Indiana, of a quantity of ice cream, which was misbranded. The article was labeled, in part: "\* \* \* This ice cream is guaranteed 14% butter fat, contains cream, sugar, eggs or gelatine, and natural flavor."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 9.58 per cent of butter fat.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "guaranteed 14 per cent butter fat," borne on the tag attached to the tubs containing the article, was false and misleading, in that it purported and represented the article to contain 14 per cent butter fat, and deceived and misled the purchaser into the belief that the article contained 14 per cent butter fat, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 9.58 per cent.

On December 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*