

12750. Misbranding of butter. U. S. v. Charles F. Harshfield and Otto H. Barnett (LaBelle Creamery Co.). Pleas of guilty. Fine, \$50.
(F. & D. No. 18569. I. S. No. 11924-v.)

On June 13, 1924, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles F. Harshfield and Otto H. Barnett, copartners, trading as LaBelle Creamery Co., Belle Fourche, S. D., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about December 17, 1923, from the State of South Dakota into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "Lily Brand Extra Quality Creamery Butter * * * One Pound Net."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment showed that the average net weight of the butter contained in the packages examined was 15.48 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 1 pound of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 10, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*