

**13341. Misbranding of butter. U. S. v. 22 Cases and 18 Cases of Butter. Product released to be repacked and relabeled. Claimant confesses judgment; costs assessed.** (F. & D. No. 18403. I. S. No. 7310-v. S. No. C-4293.)

On February 18, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of butter, at Mobile, Ala., alleging that the article had been shipped by Swift & Co., from Enid, Okla., February 7, 1924, and transported from the State of Oklahoma into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the following statement, appearing on the cartons containing the said article, "Swastika Brand Creamery Butter Net Weight 1 Lb." was false, fraudulent, and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the cartons.

On March 6, 1924, an order of the court was entered, providing that the product be delivered to the claimant, Swift & Co., to be repacked and correctly marked with the net contents thereof. On November 7, 1924, the case having come on for final disposition, the costs of the proceedings were assessed against Swift & Co., after confession of judgment had been entered on behalf of said company.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13342. Misbranding of butter. U. S. v. Beatrice Creamery Co. Plea of guilty. Fine, \$150.** (F. & D. No. 18461. I. S. Nos. 8534-v, 8535-v, 8539-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beatrice Creamery Co., a corporation, trading at Pueblo, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about November 27 and 28 and December 5, 1923, respectively, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: (Package) "Pasteurized Meadow-Gold \* \* \* Butter Contents 1 Lb. Net Butter \* \* \* Beatrice Creamery Company. General Office, Chicago, Ill."

Weighings by the Bureau of Chemistry of this department of 20, 90, and 120 samples from the three consignments showed that they averaged 15.71, 15.84, and 15.75 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement "1 Lb. Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of said packages contained less than 1 pound net of butter. 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 August 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13343. Adulteration and misbranding of canned tomatoes. U. S. v. 800 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 19206. I. S. No. 13380-v. S. No. E-5030.)

On November 25, 1924, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 800 cases of canned tomatoes, at Albany, N. Y., alleging that the article had been shipped by the J. H. [H. J.] McGrath Co., Baltimore, Md., on or about September 24, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in