

13407. Misbranding of apricots. U. S. v. Ogden Commission Co. Tried to the court and a jury. Verdict of guilty. Fine, \$50. (F. & D. No. 18337. I. S. No. 8502-v.)

On July 8, 1924, the United States attorney for the District of Utah, 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 Ogden Commission Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act as amended on or about August 12, 1923, from the State of Utah into the State of Colorado, of a quantity of apricots in baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1924, the case came on for trial before the court and a jury on an agreed statement of facts, and the jury returned a verdict of guilty, whereupon the court imposed a fine of \$50.

R. W. DUNLAP, Acting Secretary of Agriculture.

13408. Adulteration of butter. U. S. v. Johnson Butter Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18477. I. S. No. 1892-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the Johnson Butter Co., a corporation, Terre Haute, Ind., charging shipment by said company, in violation of the food and drugs act, on June 6, 1923, from the State of Indiana into the State of Massachusetts, of a quantity of butter which was adulterated.

Analyses by the Bureau of Chemistry of this department of 5 samples of the article showed an average of 76.96 per cent of milk fat and 18.17 per cent of water.

Adulteration of the article was charged in the indictment for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

On May 27, 1925, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. W. DUNLAP, Acting Secretary of Agriculture

13409. Misbranding of butter. U. S. v. Hanford Produce Co. Pleas of guilty. Fines, \$200 and costs. (F. & D. Nos. 18728, 18753. I. S. Nos. 671-v, 672-v, 692-v, 678-v, 679-v, 694-v, 695-v, 7321-v, 15068-v, 15065-v, 15066-v, 15068-v.)

On July 18 and September 17, 1924, respectively, the United States attorney for the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Hanford Produce Co., a corporation, Sioux City, Iowa, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about May 23, 26, and 30, 1923, respectively, from the State of Iowa into the District of Columbia, on or about January 19 and February 2, 1924, respectively, from the State of Iowa, into the State of Maryland, and on or about February 9, 1924, from the State of Iowa into the State of Alabama, of quantities of butter which was misbranded. The product consigned February 9, 1924, into Alabama was labeled in part: "1 Lb. Net Weight Hanfords * * * Fancy Creamery Butter * * * Hanford Produce Co., Sioux City, Iowa." The remainder of the said product was labeled in part: "Creamery Butter."

Analyses by the Bureau of Chemistry of this department of 74 samples, 5 samples, and 47 samples taken from the shipments into the District of Columbia, Alabama, and Maryland, respectively, showed an average of 78.7 per cent, 79 per cent, and 77.7 per cent, respectively, of milk fat, and 16.8 per cent, 16.2 per cent, and 16.9 per cent, respectively, of moisture. Examination of 50 packages of the product consigned February 9, 1924, into Alabama showed that the average net weight was 15.58 ounces.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the said article, and the statement "1 Lb. Net Weight," borne on the packages containing the portion of the product consigned February 9, 1924, into Alabama, were false and misleading, in that the said statements represented that the article consisted wholly of butter, and that the 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 it consisted wholly of butter and that the packages contained 1 pound net of butter, whereas the article did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture, and each of the packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On May 29, 1925, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$200, together with the costs of the proceedings.

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

13410. Adulteration of shell eggs. U. S. v. James H. Bray (J. H. Bray). Plea of guilty. Fine, \$25. (F. & D. No. 19356. I. S. No. 19336-v.)

On February 21, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James H. Bray, trading as J. H. Bray, Clinchport, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the State of Virginia into the State of West Virginia, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. H. Bray, Clinchport, Va."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 65 eggs, or 6 per cent of those examined, were inedible eggs, consisting of black rots, advanced mixed rots, moldy eggs, heavy spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 4, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

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

13411. Adulteration of acetphenetidin tablets, strychnine sulphate tablets, acetyl salicylic acid tablets, morphine sulphate tablets, codeine sulphate tablets, heroin hydrochloride tablets, and quinine sulphate tablets. U. S. v. Jopp's Drug Co. (Inc.). Plea of guilty. Fine, \$1,300. (F. & D. No. 18990. I. S. Nos. 559-v, 561-v, 2392-v, 2812-v, 2814-v, 2815-v, 2962-v, 12842-v, 15270-v, 15306-v, 15309-v, 15312-v, 15313-v.)

At the November, 1924, term of the United States District Court, within and for the Western District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Jopp's Drug Co. (Inc.), a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 4 and 28, 1923, and March 12 and 20, 1924, respectively, from the State of New York into the State of New Jersey, of quantities of acetphenetidin tablets, strychnine sulphate tablets, morphine sulphate tablets, codeine sulphate tablets, and heroin hydrochloride tablets, respectively, on or about January 16, 1924, from the State of New York into the State of Pennsylvania, of a quantity of acetyl salicylic acid tablets, on or about November 19 and 26, 1923, respectively, from the State of New York into the State of Massachusetts, of quantities of acetyl salicylic acid tablets, quinine sulphate tablets, morphine sulphate tablets, and heroin hydrochloride tablets, respectively, which were adulterated. The articles were labeled, variously, in part: "Tablets Acetphenetidin 5 gr."; "Tablets Strychnia Sulph. 1-40 gr."; "Tablets Acetyl Salicylic Acid 5 Grain";