14335. Adulteration and misbranding of butter. U. S. v. Shelby Creamery Co. Pleas of guilty. Fines, $51. (F. & D. Nos. 19329, 19718. I. S. Nos. 6577–x, 16556–v, 16694–v, 16696–v.)

On March 16, 1925, and March 15, 1926, respectively, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Shelby Creamery Co., a corporation, Shelby, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about June 3, July 15 and 18, 1924, and September 7, 1925, respectively, from the State of North Carolina into the State of South Carolina, of quantities of butter which was misbranded and a portion of which was also adulterated. The article was labeled in part: "Shelby Gilt Edge Creamery Butter * * * Shelby Creamery Company Shelby, N. C. * * * One Pound Net."

Adulteration was alleged in one of the informations for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and 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.

Misbranding was alleged in both informations for the reason that the statement "One Pound Net" and in one information for the reason that the statement "Creamery Butter," borne on the cartons or packages containing the article, were false and misleading, in that the said statements represented that the packages or cartons contained 1 pound net of butter, and that the said portion consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cartons or packages contained 1 pound net of butter, and that the said portion consisted wholly of creamery butter, whereas the packages or cartons did not contain 1 pound net of butter but did contain a less amount, and a portion of the article consisted of a product deficient in milk fat. Misbranding was alleged in both informations for the further 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 March 15, 1926, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate of $51.

W. M. JARDINE, *Secretary of Agriculture.*

14336. Adulteration of shell eggs. U. S. v. 7 Crates and 14 Crates of shell eggs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21086, 21087. I. S. Nos. 8194–x, 8195–x. S. Nos. E–5758, E–5759.)

On April 29, 1926, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 21 crates of shell eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hecla Poultry Farm, from Bellefonte, Pa., in part on or about April 23, 1926, and in part on or about April 24, 1926, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of decomposed eggs.

On May 18, 1926, Austin F. Hockman, Bellefonte, Pa., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $450, in conformity with section 10 of the act, conditioned in part that the eggs be sorted under the supervision of this department and the bad portion destroyed or denatured.

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14337. Adulteration of canned string beans. U. S. v. 250 Cases of Canned String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20715. I. S. No. 9542–x. S. No. C–4910.)

On or about December 22, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed