of Montana into the State of Idaho, of quantities of butter which was alleged to be adulterated and misbranded. The article was labeled in part: "Butter * * * Henningsen Company Butte, Montana."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the fat content of the said samples ranged from 78.57 to 79.86 per cent and that the moisture content ranged from 15.69 to 16.70 per cent.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly 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, whereas it did not so consist but did consist in part of a product deficient in milk fat and contained excessive water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, butter.

On November 5, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments of counsel the court instructed the jury to find the defendant not guilty on the ground that under the said act no authority existed, at the time of the alleged violation, for the regulation of the Secretary of Agriculture (Circular 136, June, 1919) defining butter.

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

12023. Misbranding of Eggine. U. S. v. Charles T. Morrissey (Charles T. Morrissey & Co.). Plea of guilty. Fine, $50. (F. & D. No. 11433. I. S. No. 6875-r.)

On January 31, 1920, the United States attorney for the Northern District of Illinois, 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 T. Morrissey, trading as Charles T. Morrissey & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 30, 1918, from the State of Illinois into the State of Missouri, of a quantity of Eggine which was misbranded. The article was labeled in part: "Eggine * * * Chas. T. Morrissey & Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of cornstarch, baking powder, and casein, artificially colored with coal-tar dyes, principally tartrazine.

Misbranding of the article was alleged in the information for the reason that the statements appearing in the labeling, to wit, "Eggine," "Use As 12 Eggs," "Same As Eggs," and "can * * * be used instead of eggs in practically all kinds of cooking and baking," were false and misleading in that they represented that the article was an egg substitute and contained the same essential ingredients and constituents as eggs, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an egg substitute and could be used in the place of eggs in cooking and baking, whereas, in truth and in fact, it was not an egg substitute, did not contain the same essential ingredients and constituents as eggs, and could not be used in the place of eggs in cooking and baking.

On December 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

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

12024. Misbranding of lemon pie filler. U. S. v. Hilker & Bletsch Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 14326. I. S. Nos. 3896-t, 9907-r.)

On July 22, 1921, the United States attorney for the Northern District of Illinois, 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 Hilker & Bletsch Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 13, 1920, from the State of Illinois into the State of Indiana, and on or about June 12,