19638. Adulteration and misbranding of butter. U. S. v. Sunlight Creameries. Plea of guilty. Fine, $5. (F. & D. No. 27461. I. S. No. 14477.)

This action was based on an interstate shipment of butter, samples from which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress for butter.

On January 6, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Sunlight Creameries, a corporation, trading at Washington Court House, Ohio, alleging shipment by said company, in violation of the food and drugs act, on or about December 24, 1930, from the State of Ohio into the State of Georgia, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Sunlight Quarters Sunlight Creamery Butter."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for 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 article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, since the said statement represented that the article was butter, namely, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it contained less than 80 per cent by weight of milk fat.

On March 31, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19639. Adulteration of cabbage. U. S. v. 425 Hampers of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27619. I. S. No. 42974. S. No. 5660.)

Arsenic having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 425 hampers of cabbage, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by H. W. Tucker, Santos, Fla., on or about December 22, 1931, and had been transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, namely, arsenic, which might have rendered it harmful to health.

On January 18, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19640. Adulteration of cabbage. U. S. v. 405 Half Crates of Cabbage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27399. I. S. No. 30625. S. No. 5604.)

Arsenic and lead having been found on samples of cabbage taken from the shipment herein described, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On or about December 21, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 405 half crates of cabbage, in possession of the carrier at Harlem River yards, New York, N. Y. It was alleged in the libel that the article had been shipped to Providence, R. I., on or about December 8, 1931, by the South Carolina Produce Association, from Charleston, S. C., that it had been reshipped to New York, N. Y., and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.