

20144. Adulteration of butter. U.S. v. Perry J. Bradley and Vincent Michalak (Enterprise City Creamery). Plea of guilty. Fine, \$5. (F. & D. No. 28138. I.S. No. 22491.)

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

On September 9, 1932, the United States attorney for the District of Oregon, 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 Perry J. Bradley and Vincent Michalak, copartners, trading as the Enterprise City Creamery, Enterprise, Oreg., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 16, 1932, from the State of Oregon into the State of Washington, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of March 4, 1923.

On September 9, 1932, a plea of guilty to the information was entered, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20145. Adulteration of canned shrimp. U.S. v. 396 Cases of Canned Shrimp. Portion of product released. Remainder condemned and destroyed. (F. & D. No. 27653. I.S. No. 32020. S. No. 5701.)

This case involved the shipment of a quantity of canned shrimp, samples of which were found to be decomposed.

On January 11, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 396 cases of canned shrimp, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 1931, by Dorgan McPhillips Packing Corporation, from Mobile, Ala., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Gulf Kist Brand Fancy Medium Shrimp * * * Packed by Dorgan McPhillips Packing Corp. Mobile, Ala."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On August 3, 1932, the court entered a decree ordering that 242 cases of the product be released to the claimant, the Kelley-Clarke Co., San Francisco, Calif., and that the remaining 154 cases be condemned and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20146. Adulteration and misbranding of butter. U.S. v. 309 Cases of Butter. Product ordered released under bond to be reworked and repacked. (F. & D. No. 28700. Sample No. 13238-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter provided by Congress. Sample cartons of the article were also found to contain less than 1 pound, the declared weight.

On or about August 1, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 309 cases each containing thirty 1-pound prints of butter, remaining in the original and unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 9, 1932, by the Beatrice Creamery Co., from Oklahoma City, Okla., to New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "Pasteurized Meadow-Gold Butter Four Prints * * * Contents 1 Lb. net butter * * * Beatrice Creamery Company * * * Chicago, Ill."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled, "Contents 1 Lb. net butter", which was false and misleading, since the article contained less than 80 percent of milk fat and the packages contained less than 1 pound net. 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, since the statement made was not correct.

On September 26, 1932, the Beatrice Creamery Co., Chicago, Ill., having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the filing of an undertaking, conditioned that it be reworked and repacked under the supervision of this Department so as to comply in all respects with the requirements of the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20147. Adulteration of shell eggs. U.S. v. 16 Cases of Shell Eggs. Consent decree of destruction entered. (F. & D. No. 28697. Sample No. 10322-A.)

This action involved a quantity of shell eggs that were found to be in whole or in part decomposed.

On July 18, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 cases of shell eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce, on or about May 1, 1931, by E. C. Morse, on order of Eschenbrenner & Co., New York, N.Y., from Mason City, Iowa, to Jersey City, N.J., 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 consisted in part of a decomposed and putrid animal substance.

On August 16, 1932, the owner of the product, Eschenbrenner & Co., New York, N.Y., having expressed a desire to surrender the eggs and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20148. Misbranding of canned corn. U.S. v. 62 Cases of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28632. Sample No. 2153-A.)

This case involved the interstate shipment of a quantity of canned corn, sample cans of which were found to contain less than 16 ounces, the declared weight.

On August 12, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 62 cases of canned corn, remaining in the original unbroken packages at Colorado Springs, Colo., consigned by the Iowa Canning Co., Storm Lake, Iowa, alleging that the article had been shipped in interstate commerce, on or about June 11, 1931, from Storm Lake, Iowa, to Colorado Springs, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Jonquil Brand Sweet Corn * * * Contents 16 Oz."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Contents 16 Oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On September 17, 1932, the Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and execution of a bond in the sum of \$400, conditioned that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

R. G. TUGWELL, *Acting Secretary of Agriculture.*