30916. Adulteration of butter. U. S. v. Deer Creek Creamery Co. Plea of guilty. Fine, $50. (F. & D. No. 42751. Sample Nos. 54150–D, 54155–D, 54157–D.)

This product contained less than 80 percent of milk fat.

On September 2, 1939, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Deer Creek Creamery Co., a corporation, Atchison, Kans., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about August 24 to August 27, 1938, from the State of Kansas into the State of Illinois of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained 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 prescribed by act of March 4, 1923.

On October 6, 1939, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30917. Adulteration and misbranding of canned herring roe. U. S. v. 137 Cases of Herring Roe. Default decree of condemnation and destruction. (F. & D. No. 44894. Sample No. 35010–D.)

This product contained worms, visceral organs, scales, and bone fragments and was in part decomposed. Moreover, it was falsely branded as to the State in which it was manufactured or produced.

On Februry 24, 1939, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 137 cases of herring roe at Norfolk, Va.; alleging that the article had been shipped in interstate commerce on or about October 29, 1938, by B. A. Griffin from Eastport, Maine; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Thomas Brand Herring Roe."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

It was alleged to be misbranded in that the statement on the can label, "Selected and Packed by Hand on the Fishing Shore at Weems, Va. By S. O. Thomas," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was not manufactured or produced in Virginia.

On May 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30918. Adulteration of butter. U. S. v. Ravenwood Cooperative Creamery, Inc. Plea of guilty. Fine, $25. (F. & D. No. 42708. Sample No. 32975–D.)

This product contained less than 80 percent by weight of milk fat.

On July 12, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ravenwood Cooperative Creamery, Inc., Ravenwood, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act on or about August 25, 1938, from the State of Missouri into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product which contained 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 prescribed by the act of March 4, 1923.

On August 30, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $25.

GROVER B. HILL, *Acting Secretary of Agriculture.*

30919. Adulteration of canned oysters. U. S. v. 34 Cartons of Oysters (and 3 other seizure actions against canned oysters). Default decrees of condemnation and destruction. (F. & D. Nos. 44990 to 44993, inclusive. Sample No. 37665–D.)

This product contained sharp pieces of shell which were small enough to be swallowed, and which were sharp and capable of inflicting injury.

On March 10, 1939, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 34 cartons of canned