12435. Adulteration and misbranding of ice cream. U. S. v. Charlton Karns, James G. Sterchi, George W. Callahan, and John H. Kingsolver (Racy Cream Co.). Pleas of nolo contendere. Fine, $80 and costs. (F. & D. No. 17813. I. S. No. 8984-v.)

On January 9, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charlton Karns, James G. Sterchi, George W. Callahan, and John H. Kingsolver, copartners, trading as Racy Cream Co., Knoxville, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 14, 1923, from the State of Tennessee into the State of Kentucky, of a quantity of ice cream which was adulterated and misbranded. The article was labeled in part: (Tag) "From Racy Cream Co., Knoxville, Tenn. 'The Cream Supreme.'"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 3.27 per cent of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for ice cream, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "The Cream Supreme," borne on the tag attached to the tub containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of ice cream, 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 ice cream, whereas, in truth and in fact, it did not so consist but did consist of a product deficient in milk fat.

On January 15, 1924, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $80 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12436. Adulteration of raisins. U. S. v. Antonia Brucia. Plea of guilty. Fine, $1. (F. & D. No. 15072. I. S. No. 13466-r.)

On June 2, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonia Brucia, trading as A. Brucia, Fresno, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 4, 1920, from the State of California into the State of New York, of a quantity of raisins which were adulterated.

Examination by the Bureau of Chemistry of this department of 18 portions taken from the consignment showed that 14 portions were fermented, moldy, and rotten, some showed the presence of maggots, and 4 portions were composed of sticks, stems, and immature and rotten raisins, evidently cleaning refuse from good raisins.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 15, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $1.

HOWARD M. GORE, *Secretary of Agriculture.*

12437. Misbranding and alleged adulteration of butter. U. S. v. 29 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18486. I. S. No. 2359-v. S. No. E-4777.)

On March 11, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 boxes of butter remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Sugar Creek Creamery, Danville, Ill., alleging that the article had been shipped from Danville, Ill., February 21, 1924, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled, "2 Pounds Net," and the remainder thereof was labeled, "3 Pounds Net."

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed