

Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 1, 1934, from the State of Illinois into the State of Minnesota, of a quantity of peanut butter which was misbranded. The article was labeled in part: (Jar) "Two pounds Net Weight Economy Peanut Butter Manufactured by Martin Peanut Products Corporation, Chicago—New York."

The article was alleged to be misbranded in that the statement, "Two Pounds Net Weight", borne on the jar label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the jars contained less than 2 pounds of the article. 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 incorrect.

On February 14, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$15.

W. R. GREGG, *Acting Secretary of Agriculture.*

25553. Adulteration and misbranding of butter. U. S. v. Downsville Cooperative Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 34070. Sample no. 65725-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent by weight of milk fat.

On August 5, 1935, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Downsville Cooperative Creamery Co., a corporation of Downsville, Wis., alleging shipment by said company in violation of the Food and Drugs Act on or about June 2, 1934; from the State of Wisconsin into the State of Illinois of a quantity of butter that was adulterated and misbranded. The article was labeled "Sweet Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, and which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the article was not butter in that it contained less than 80 percent by weight of milk fat, the standard for butter prescribed by law.

On March 6, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

25554. Adulteration of butter. U. S. v. R. E. Cobb Co., a corporation. Plea of guilty. Fine, \$100. (F. & D. no. 34075. Sample no. 2218-B.)

Samples of this product were found to contain human hairs, a cow hair, rodent hairs; fragments of insects including wings, legs, and thoraxes; fragments of feathers; and numerous particles of nondescript dirt.

On October 15, 1935, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Cobb Co., a corporation, Valley City, N. Dak., alleging shipment in violation of the Food and Drugs Act, as amended, on or about July 30, 1934, from Valley City, N. Dak., to Chicago, Ill., of quantities of butter which was adulterated. The labels on the tubs bore various churn numbers and the statement "63 Pounds Net."

Adulteration of the article was charged (a) under the allegations that the article purported to be butter, that it did not contain 80 percent by weight of milk fat, that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be; (b) under the allegation that the article consisted in whole and in part of a filthy animal substance.

On February 11, 1936, a plea of guilty having been entered, a fine of \$100 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*