products, with the exception of the gluten wheat melba, a large proportion of the packages contained less than the amount declared, and in the case of the gluten wheat melba, which was labeled "2.74 grams", the quantity of the contents was not stated in terms of avoirdupois weight and most of the packages examined contained less than the amount declared in grams.

On August 13, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of $155.

M. L. WILSON, *Acting Secretary of Agriculture.*

26533. Misbranding of honey. U. S. v. Levi E. Rogers. Plea of nolo contendere. Fine, $25. (F. & D. no. 37003. Sample nos. 42519–B, 42552–B to 42555–B, incl., 50427–B, 50428–B, 50429–B.)

This case involved a shipment of honey that was short in weight.

On September 15, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Levi E. Rogers, Binghamton, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about June 20, September 27, October 9, and October 28, 1935, from the State of New York into the State of Pennsylvania of a number of jars and pails of honey that was misbranded. The article was labeled: "12 Ozs. [or "7½ Ozs.", "21 Ozs.", or "5 Lbs."] Net Wgt. Pure Honey Put up By L. E. Rogers, Binghamton, N. Y."

The article was alleged to be misbranded in that the statements on the jars and pails containing the article, "12 Ozs. Net Wgt.", 7½ Ozs. Net Wgt.", "21 Ozs. Net Wgt.", and "5 Lbs. Net Wgt.", were false and misleading since the jars and pails did not contain the amount declared on the label, but did contain a lesser amount. 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.

On September 15, 1936, the defendant entered a plea of nolo contendere; and on September 18, 1936, the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

26534. Adulteration and misbranding of cheese. U. S. v. Sunrise Dairy Products, Inc. Plea of guilty. Fine, $50 and costs. (F. & D. no. 37007. Sample nos. 42609–B, 50290–B.)

This case involved cheese that was deficient in milk fat and contained excessive moisture.

On April 30, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sunrise Dairy Products, Inc., Fremont, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 2 and October 15, 1935, from the State of Ohio into the State of New York of a quantity of alleged whole milk cheese that was adulterated, and of a quantity of alleged full cream cheese that was adulterated and misbranded in violation of the Food and Drugs Act.

The article represented to be whole milk cheese was alleged to be adulterated in that a product containing in the water-free substance less than 50 percent of milk fat, had been substituted for cheese, a product containing in the water-free substance not less than 50 percent of milk fat, which the article purported to be. The article represented to be full cream cheese was alleged to be adulterated in that a product containing an excessive amount of moisture, i. e., more than 39 percent of water, and containing in the water-free substance less than 65 percent of milk fat, namely, not more than 46.75 percent of milk fat, had been substituted for cream cheese, i. e., a product which should contain in the water-free substance not less than 65 percent of milk fat, which the article purported to be.

The latter product was alleged to be misbranded in that the statement "Full Cream Cheese", borne on the boxes, was false and misleading, since said statement represented that the article was cream cheese, a product containing not more than 39 percent of moisture and containing in the water-free substance not less than 65 percent of milk fat, whereas it contained not less than 40.89 percent of water and not more than 46.75 percent of milk fat; in that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cream cheese; and in that it was offered for sale under the distinctive name of another article, namely, cream cheese.

On September 10, 1936, the defendant entered a plea of guilty and the court imposed a fine of $50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26535. Adulteration and misbranding of butter. U. S. v. Fort Worth Poultry & Egg Co. Plea of guilty. Fine, $25. (F. & D. no. 37008. Sample nos. 41585–B, 41729–B to 41732–B, incl.)

This case involved butter samples of which were found to contain mold, hairs, insect parts, and other filth. Certain lots were also low in milk fat.

On April 28, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fort Worth Poultry & Egg Co., Fort Worth, Tex., alleging that on or about September 24 and October 23, 1935, the defendant company shipped from Fort Worth, Tex., into the State of Louisiana, a number of tubs and cases of butter that was adulterated, and a part of which was misbranded in violation of the Food and Drugs Act. A part of the tub butter was labeled "Springbrook"; and the remainder was labeled "Armour's Cloverbloom Butter." The prints in the cases were labeled: (Wrapper) "Armour's Star * * * Quality Cloverbloom full cream Butter * * * Armour Creameries–Chicago–U. S. A. Distributors."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed animal substance. Portions of the article were alleged to be adulterated further 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 defined and required by the act of Congress of March 4, 1923.

A portion of the article was alleged to be misbranded in that the statement "Butter", borne on the packages and tubs, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since said statement represented that the article was butter as defined by law; whereas it was not butter as so defined since it contained less than 80 percent of milk fat.

On October 29, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*

26536. Adulteration and misbranding of process butter. U. S. v. The Rosemary Creamery, Inc. Plea of guilty. Fine, $200. (F. & D. no. 37010. Sample nos. 29904–B, 29906–B, 48622–B.)

This case involved butter samples of which were found to contain maggots, insects and parts of insects, mold, and various kinds of filth. A part of the article was short in weight.

On April 25, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rosemary Creamery, Inc., Atlanta, Ga., alleging that on or about October 7 and October 17, 1935, the defendant company shipped from Atlanta, Ga., into the States of Alabama and Florida, respectively, quantities of butter that was adulterated and a part of which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Rosemary Pasteurized Process Butter * * * Manufactured by Rosemary Creamery, Atlanta, Georgia. * * * 1 Lb. Net."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed animal substance.

A portion of the article was alleged to be misbranded in that the statement "1 Lb. Net", borne on the cartons, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound; and 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 October 1, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

M. L. WILSON, *Acting Secretary of Agriculture.*