

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the package, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, and that each of the packages contained 1 pound net thereof; whereas it did not contain 80 percent by weight of milk fat but did contain a less amount and each of the packages contained less than 1 pound net of the said 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 March 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$27.

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

**24198. Adulteration of dried apples. U. S. v. 150 Bags of Dried Apples. Default decree of condemnation and destruction. (F. & D. no. 32019. Sample no. 42555-A.)**

This case involved an interstate shipment of dried apples which were found to be in part insect-infested, decomposed, and dirty.

On February 21, 1934, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bags of dried apples at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 11, 1934, by S. V. Tomlinson, from North Wilkesboro, N. C., and charging adulteration in violation of the Food and Drugs Act.

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

On February 12, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

**24199. Adulteration of frozen eggs. U. S. v. The Fairmont Creamery Co. Plea of nolo contendere. Fine, \$100. (F. & D. no. 32092. Sample no. 26998-A.)**

This case was based on an interstate shipment of frozen eggs which were found to be in part decomposed.

On April 18, 1934, 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 the Fairmont Creamery Co., a corporation trading at Dodge City, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 9, 1933, from the State of Kansas into the State of Ohio, of a quantity of frozen eggs which were adulterated. The article was contained in cans labeled in part: "Fancy Fairmont's Frozen Fresh Eggs \* \* \* Packed by The Fairmont Creamery Co. General Offices-Omaha Nebr. Whole Eggs."

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

On March 12, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$100.

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

**24200. Adulteration of butter. U. S. v. National Butter Company of Iowa. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32099. Sample no. 40684-A.)**

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

On October 31, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Butter Company of Iowa, a corporation, Dubuque, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 27, 1933, from the State of Iowa into the State of Michigan, of a quantity of butter which was adulterated.

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 should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

On December 6, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

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

**24201. Misbranding of sirup. U. S. v. James T. Mary. Plea of guilty. Defendant placed on probation. (F. & D. no. 32139. Sample nos. 46525-A, 46526-A, 46527-A.)**

Sample cans of sirup taken from the shipments involved in this case were found to contain less than 3 quarts 8 fluid ounces, the volume declared on the label.

On July 9, 1934, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James T. Mary, Lafayette, La., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about April 24, April 26, and June 22, 1933, from the State of Louisiana into the State of Texas of quantities of sirup which was misbranded. A portion of the article was labeled: "Contains 3 Quarts—8 Fl. Ozs. Larrapin Brand Syrup \* \* \* Packed for Gordon, Sewall & Co., Inc. Houston, Texas. Distributors." The remainder of the article was labeled: "Old Mary's Brand Louisiana Pure Cane Syrup \* \* \* 3 Qts., 8 Fld. Ozs. James T. Mary \* \* \* Lafayette, La."

The article was alleged to be misbranded in that the statements, "Contains 3 Quarts—8 Fl. Ozs." and "3 Qts., 8 Fld. Oz.", borne on the labels, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the cans did not contain 3 quarts 8 fluid ounces, but did contain a less 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 January 8, 1935, a plea of guilty was entered and the court placed the defendant on probation for five years.

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

**24202. Adulteration and misbranding of grapefruit juice. U. S. v. H. C. Sullivan (H. C. Sullivan Cannery). Plea of nolo contendere. Fine, \$25. (F. & D. no. 32145. Sample no. 36199-A.)**

This case was based on an interstate shipment of canned grapefruit juice which was found to contain added sugar and to be short volume.

On January 8, 1935, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. C. Sullivan, trading as H. C. Sullivan Cannery, Frostproof, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 24, 1933, from the State of Florida into the State of Utah, of a quantity of canned grapefruit juice which was adulterated and misbranded. The article was labeled in part: "Scowcroft's Blue Pine Brand \* \* \* Contents ½ Pint Packed Expressly For John Scowcroft & Sons Company Ogden, Utah."

The article was alleged to be adulterated in that grapefruit juice which contained added sugar had been substituted in whole or in part for grapefruit juice, which the article purported to be.

Misbranding was alleged for the reason that the statements, "grapefruit juice" and "Contents ½ Pint", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article consisted wholly of grapefruit juice, and that the cans contained one half pint thereof; whereas it did not consist wholly of grapefruit juice, but consisted in part of added sugar, and each of the said cans contained less than one half pint. Misbranding was alleged for the further reason that the article was offered for sale and was sold under the distinctive name of another article, namely, grapefruit juice. 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 January 22, 1935, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25.

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