

district court an information against Lester O. Casperson, a member of a partnership trading as O. Casperson & Sons, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about March 22, 1933, from the State of California to Honolulu, Hawaii, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Net Weight One Pound Buttercup Brand Creamery Butter \* \* \* Packed and Distributed by O. Casperson & Sons, San Francisco Quarters"; (wrapper on cube) "Net Weight 4 Ounces When Packed."

It was alleged in the information that the article was 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 March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter", "Net Weight One Pound", and "Net Weight 4 Ounces", borne on the cartons and wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not butter as prescribed by law, in that it contained less than 80 percent of milk fat, the cartons contained less than 1 pound, and the cubes contained less than 4 ounces.

On June 29, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$250.

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

**22721. Adulteration and misbranding of milk chocolate. U. S. v. Washington Chocolate Co. Plea of guilty. Fine, \$100. Sentence suspended on payment of costs, and defendant placed on probation for 3 years. (F. & D. no. 32104. Sample no. 37023-A.)**

This case was based on a shipment of a product represented to be milk chocolate but which was composed in part of skim milk solids.

On June 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Washington Chocolate Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 1, 1933, from the State of Washington into the State of Oregon, of a quantity of milk chocolate which was adulterated and misbranded. The article was labeled in part: (Carton) "Western Milk \* \* \* Washington Chocolate Co. Manufacturers of Cocoa & Chocolate, Seattle, U. S. A.", and was invoiced as "Western Milk."

It was alleged in the information that the article was adulterated in that a product composed in part of skim milk solids had been substituted in whole and in part for milk chocolate.

Misbranding was alleged for the reason that the article was a mixture composed in part of skim-milk solids and was offered for sale under the distinctive name of another article, "Western Milk", i. e., milk chocolate.

On July 30, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100, with execution suspended for 3 years, conditioned that costs be paid and that the defendant commit no like offense within that period.

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

**22722. Misbranding of peaches. U. S. v. J. Linn Helms (Hoyle & Helms). Plea of guilty. Fine, \$25. (F. & D. no. 32125. Sample no. 8700-A.)**

This case was based on a shipment of peaches that contained an excessive number of peaches below the minimum size declared on the labels.

On June 21, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against J. Linn Helms, trading as Hoyle & Helms, Thomaston, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 14, 1933, from the State of Georgia into the State of New York, of quantities of peaches which were misbranded. The article was labeled in part: "Brooks Mountain Brand Fancy Georgia Peaches Grown Packed and Shipped by Hoyle and Helms, Thomaston, \* \* \* Georgia. \* \* \* Early Rose 1 $\frac{7}{8}$  in. Min. \* \* \* Minimum 2 in. \* \* \* Red Bird 2 $\frac{1}{4}$  In. \* \* \* U. S. No. 1."

It was alleged in the information that the article was misbranded in that the statements, "Fancy Georgia Peaches \* \* \* 1 $\frac{7}{8}$  Min. \* \* \* Minimum 2 in. \* \* \* 2 $\frac{1}{4}$  In.", borne on the baskets, were false and misleading,