

attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since they represented that the article was a perfect food made largely from egg and milk, and had a protein content of 18 percent; whereas it was a product consisting mostly of a starchy material, and contained less than 18 percent of protein, namely, not more than 8.88 percent of protein.

On June 1, 1934, the defendant entered a plea of nolo contendere, was adjudged guilty, and fined \$30.

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

22379. Adulteration of butter. U. S. v. Hazelwood Co., Ltd. Pleas of guilty. Fines, \$30. (F. & D. nos. 29523-A, 29523-B. Sample nos. 1549-A, 1550-A, 1738-A.)

This case was based on shipments of butter which contained less than 80 percent by weight of milk fat.

On September 13, 1933, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court two informations against the Hazelwood Co., Ltd., a corporation, having its principal place of business at Spokane, Wash., and a place of business at Walla Walla, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 23, 1932, from Spokane, Wash., into the State of Idaho, and on or about May 31, 1932, from Walla Walla, Wash., into the State of Oregon, of quantities of butter which was adulterated. The article was labeled in part: "Jersey Belle [or "Hazelwood"] Butter * * * Hazelwood Co., Ltd., Spokane, Wash."

It was alleged in the informations that the article was adulterated in that a product which contained 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.

On March 27, 1934, pleas of guilty to both informations were entered on behalf of the defendant company, and the court imposed fines in the amount of \$30.

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

22380. Adulteration of vinegar. U. S. v. 117 Half Barrels of Vinegar. Default decree of condemnation and destruction. (F. & D. no. 29645. Sample nos. 26773-A, 26793-A.)

This case involved a shipment of vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On December 15, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 half barrels of vinegar at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce, on or about September 16, 1932, by H. D. Hollwedel from Middletown, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Mathes Vinegar Co., Pure Apple Cider Vinegar. * * * Albion, N. Y."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On January 26, 1933, H. D. Hollwedel intervened as claimant and filed an answer denying the adulteration charge. On May 4, 1934, the case having been called for trial and no representative of the claimant appearing, the court pronounced all parties in interest in default and after hearing the witnesses for the Government, entered judgment of condemnation and ordered that the product be destroyed by the United States marshal and that the claimant pay all costs, including storage and transportation costs.

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

22381. Adulteration of butter. U. S. v. Henry Gerhard (Gray County Creamery). Plea of guilty. Fine, \$50. (F. & D. no. 30273. Sample nos. 32009-A, 32010-A.)

This case involved butter that contained less than 80 percent of milk fat. On January 23, 1934, 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 Henry Gerhard, trading as the Gray County Creamery. Pampa, Tex., alleging shipment by said defendant, on or

about April 3, 1933, from the State of Texas into the State of New York, of quantities of butter that was adulterated. A portion of the article was labeled in part: "Jos. J. Herold Co., New York." The remainder was labeled in part: "F. F. Lowenfels & Son New York."

It was alleged in the information that the article was adulterated in that a product deficient in milk fat, since it contained 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, which the article purported to be.

On May 22, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

22382. Adulteration and misbranding of butter. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$30. (F. & D. no. 30289. Sample nos. 23149-A, 25099-A, 36119-A.)

This case was based on interstate shipments of two lots of butter that was deficient in milk fat and one lot that was short weight.

On January 26, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nelson-Ricks Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, on or about November 4, 1932, and May 11, 1933, from the State of Utah into the States of California and Nevada, of quantities of butter that was adulterated and misbranded, and on or about April 15, 1933, from the State of Utah into the State of California, of a quantity of butter that was misbranded. A part of one shipment was contained in fiber cases labeled, "Butter 68 Lbs. Net." The two other shipments consisted of print butter, labeled in part: "Banquet Better Butter Pasteurized Nelson-Ricks Creamery Company Salt Lake City, Utah" and "Rose Bud Pasteurized Creamery Butter Net Weight One Pound The Cudahy Packing Co. Distributors", respectively.

The information charged that two lots of the article were 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 defined by the act of March 4, 1923, which the article purported to be.

Misbranding of two lots found deficient in milk fat was alleged in that a part of one of the lots, and all of the remaining lot, were labeled "Butter", which was false and misleading and tended to deceive and mislead the purchaser, since it was not butter as defined by law. Misbranding of the third lot was alleged for the reason that the statement, "Net Weight One Pound", borne on the cartons, was false and misleading, and tended to deceive and mislead the purchaser, since the cartons contained less than 1 pound; and for the further reason that it 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 May 31, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$30.

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

22383. Misbranding of canned red kidney beans, canned brown beans, canned black eyed peas, and canned baby lima beans. U. S. v. Waples Platter Co. Plea of guilty. Fine, \$50. (F. & D. no. 30318. Sample nos. 2238-A to 2241-A, incl.)

Samples taken from each of the shipments involved in this case were found to contain less than 16 ounces, the labeled weight.

On January 19, 1934, 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 Waples Platter Co., a corporation, Fort Worth, Tex., trading at Farwell, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various shipments on or about February 25, March 4, November 18 and December 16, 1931, from the State of Texas into the State of New Mexico, of quantities of canned goods that were misbranded. The articles were labeled in part: (Can) "Wapco Red Kidney Beans [or "Brown Beans", "Black Eyed Peas", or "Baby Lima Beans"] Contents 16 Oz., Distributed by Waples Platter Company, Texas."

It was alleged in the information that the articles in each of a number of the cans were misbranded in that the statement "Contents 16 Oz.", borne on