22483. Alleged misbranding of butter. U. S. v. Peter Hernig Sons, Inc. Plea of nolo contendere. Judgment of not guilty. (F. & D. no. 31488. Sample no. 43261–A.

This case involved a shipment of butter which was alleged to be short weight.

On April 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Peter Hernig Sons, Inc., a corporation, trading at Philadelphia, Pa., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 19, 1933, from the State of Pennsylvania into the State of New Jersey, of a quantity of butter which was misbranded. The article was labeled in part: (Parchment wrapper) "One Pound Net."

It was alleged in the information that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and tended to deceive and mislead the purchaser, since the packages contained less than 1 pound. 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, in that the quantity of the contents was less than 1 pound, and said amount was not stated on the package; and in that some of the packages contained not more than 15.22 ounces and the average net weight for all of the packages examined was not more than 15.57 ounces.

On May 22, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court entered judgment of not guilty.

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

22484. Misbranding of olive oil. U. S. v. Chicago Macaroni Co. Plea of guilty. Fine, $50. (F. & D. no. 31489. Sample no. 40909–A.)

Sample bottles of olive oil taken from the shipment on which this case was based were found to contain less than 6 ounces, the labeled volume.

On April 10, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Macaroni Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1933, from the State of Illinois into the State of Minnesota, of a quantity of olive oil which was misbranded. The article was labeled in part: (Bottle) "Pure Imported Olive Oil Contents 6 Oz. Packed for Independent Grocers Alliance Distributing Co., Chicago, Illinois."

It was alleged in the information that the article was misbranded in that the statement "Contents 6 Oz.", borne on the bottle label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the bottles contained less than 6 ounces 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 May 17, 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.*

22485. Adulteration and misbranding of butter. U. S. v. Farmers Equity Cooperative Creamery Association. Plea of guilty. Fine, $250. (F. & D. no. 31495. Sample no. 23365–A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On April 2, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmers Equity Cooperative Creamery Association, a corporation, trading at Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 20, 1933, from the State of Colorado into the State of California, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Silverbrook Pasteurized Creamery Butter. A. & P."

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 must contain not less than 80 percent