

State of Texas, of a quantity of canned frozen eggs that were adulterated. The greater number of the cans were labeled in part: "Tranin's Pure Frozen Eggs Mixed Eggs Sam Tranin Products Co. \* \* \* Kansas City, Mo."

It was alleged in the information that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 16, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

**22030. Adulteration of butter. U. S. v. The Merchants Creamery Co., Inc. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29454. I.S. no. 42725.)**

This case was based on a shipment of butter, samples of which were found to contain less than 80 percent of milk fat, the standard for butter established by Congress.

On June 19, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Merchants Creamery Co., Inc., Cincinnati, Ohio, alleging shipment by said company on or about January 14, 1932, from the State of Ohio into the State of New York, of a quantity of butter that was adulterated.

It was alleged in the information 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 of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On February 6, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

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

**22031. Adulteration and misbranding of potatoes. U. S. v. The Mahaffey Commission Co. Plea of guilty. Fine, \$300. (F. & D. no. 30142. I.S. no. 47905. Sample nos. 3100-A, 6710-A.)**

This case was based on various shipments of potatoes which were represented to meet the requirements of United States Grade 1 potatoes but which were found to be below grade because of excessive grade defects.

On May 9, 1933, 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 Mahaffey Commission Co., Chicago, Ill. It was alleged in the information that the defendant company had received at Chicago, Ill., a quantity of potatoes shipped on or about December 2, 1931, under the name of Mahaffey Co., from Virgin Spur, Wis.; that the said defendant had delivered the said potatoes for pay and shipped them to a firm in Cairo, Ill., in the original, unbroken packages, and that the article was adulterated and misbranded in violation of the Food and Drugs Act. It was further alleged that the defendant company had shipped on or about May 18, 1932, from the State of Illinois into the State of Kentucky, and on or about May 21, 1932, from the State of Illinois into the State of Missouri, quantities of potatoes that were also adulterated and misbranded in violation of the said act. The article was labeled in part variously: "U.S. Grade No. 1 Wisconsin Potatoes Sun Brand Leonard, Crosset & Riley, Inc. Waupaca, Wisconsin", "Victory Brand Potatoes U.S. Grade No. 1 \* \* \* The Mahaffey Commission Co. Chicago", "Duke of Dublin Brand Potatoes U.S. Grade No. 1 \* \* \* Packed Exclusively for The Mahaffey Commission Co. Chicago."

The information charged that the article was adulterated in that potatoes of a lower and inferior standard and grade than U.S. Grade no. 1 standard potatoes had been substituted for U.S. Grade no. 1 standard potatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, "U.S. Grade No. 1 \* \* \* Potatoes", borne on the labels, was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article was not United States Grade no. 1 but was a lower and inferior grade. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 14, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$300.

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