21830. Misbranding of cottonseed screenings. U. S. v. Transit Milling Co. Plea of guilty. Fine, $5. (F. & D. no. 30226. Sample no. 19810–A.)

This case was based on a shipment of cottonseed screenings, samples of which were found to contain less than 43 percent of protein, the amount declared on the label.

On July 17, 1933, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Transit Milling Co., a corporation, Sherman, Tex., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 19, 1932, from the State of Texas into the State of Kansas, of a quantity of cottonseed screenings that was misbranded. The article was labeled in part: (Tag) "K.C. Brand Cake and Meal Guaranteed Analysis Protein, not less than 43% Manufactured for Kansas City Cake and Meal Co * * * Kansas City Mo."

It was alleged in the information that the article was misbranded in that the statement, "Guaranteed Analysis Protein not less than 43%", was false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent protein.

On November 28, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $5.

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

21831. Adulteration and misbranding of butter. U. S. v. Roy Stovall (Spur Creamery). Plea of guilty. Fine, $25. (F. & D. no. 30261. Sample no. 21507–A.)

This case involved a shipment of butter, samples of which were found to be low in milk fat and to be short weight.

On October 26, 1933, 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 Roy Stovall, trading as Spur Creamery, Spur, Tex., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about February 7, 1933, from the State of Texas into the State of New York, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: (Carton) "Best Butter C.B.L. is made from selected Pasteurized Cream. * * * One Pound Net."

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 of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, "Butter", "One Pound Net", on the labels 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, in that it contained less than 80 percent of milk fat, and the cartons 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, since the packages contained less than declared.

On December 14, 1933, the defendant entered a plea of guilty, and the court imposed a fine of $25.

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

21832. Adulteration of butter. U. S. v. Swift & Co. Plea of guilty. Fine, $75 and costs. (F. & D. no. 30263. Sample nos. 3257–A, 3268–A.)

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

On September 16, 1933, 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 Swift & Co., a corporation, trading at Salina, Kans., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13 and June 14, 1932, from the State of Kansas into the State of Illinois, of quantities of butter that was adulterated.

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 required by the act of March 4, 1923, which the article purported to be.