21876. Adulteration of butter. U. S. v. David Cole Creamery Co. Plea of guilty. Fine, $25 and costs. (F. & D. no. 25023. I.S. no. 03909.)

This case involved a shipment 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 June 4, 1930, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the David Cole Creamery Co., a corporation, Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 15, 1929, from the State of Nebraska into the State of Pennsylvania, of a quantity 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 of milk fat as provided by the act of March 4, 1923.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of $25 and costs.

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

21877. Adulteration and misbranding of butter. U. S. v. David Cole Creamery Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 25041. I.S. nos. 5554, 5555, 5556.)

This case was based on an interstate shipment 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 December 19, 1930, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the David Cole Creamery Co., a corporation, Omaha, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 2, 1930, from the State of Nebraska into the State of Massachusetts, of a quantity of butter that was adulterated and misbranded. The article was variously labeled in part: "Maple Leaf Butter", "Idlewilde Butter", and "Maple Leaf Brand Creamery Butter."

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 statement, "butter", was false and misleading in that it represented that said article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On January 4, 1934, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

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

21878. Adulteration of canned tuna fish. U. S. v. 24 Cases of Canned Tuna Fish. Default decree of condemnation and destruction. (F. & D. no. 28241. Sample no. 8582-A.)

This case involved a shipment of canned tuna that was found to be in part decomposed.

On April 23, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of canned tuna fish at New Brighton, Pa., alleging that the article had been shipped in interstate commerce on or about February 20, 1932, by the French Sardine Co., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Clover Farm Brand Tuna."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On March 18, 1933, the French Sardine Co. filed a claim and answer. On January 25, 1934, the case having been called and the claimant having failed to appear, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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