

deleterious substances which might render such articles injurious to the health of consumers.' There is no claim here of misbranding or misrepresenting the weight of an article in commerce, and so we are not concerned with the question whether the grain could have been forfeited because of the owner's failure to disclose its true weight separately, and apart from the weight of the moisture contained in it. The conclusion is that the court did not err in giving the charges complained of, or in refusing to direct a verdict in favor of the United States. "The judgment is affirmed."

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20974. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28623. Sample no. 11987-A.)

This case involved 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 July 25, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 tubs of butter at New York N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1932, by the Hawkeye Creamery, from Hawkeye, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel 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.

The Hawkeye Creamery Co. appeared through an agent and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reworked so that it contain at least 80 percent of butterfat. On August 12, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the butter be released upon payment of costs and the execution of a bond in the sum of \$200, conditioned that it be reworked.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20975. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$10. (F. & D. no. 28126. I. S. no. 12986.)

This case was based on an interstate shipment of butter, sample cartons of which were found to contain less than 1 pound, the weight declared on the label.

On August 8, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation trading at Modesto, Calif., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 4, 1931, from the State of California into the State of Nevada, of a quantity of butter that was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * 1 Lb. Net Weight. * * * Distributed by Swift & Company * * * Chicago."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight", borne on the package, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound net weight. 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.

On September 12, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20976. Adulteration and misbranding of canned shrimp. U. S. v. 98 Cases of Canned Shrimp. Product released under bond to be relabeled. (F. & D. no. 28340. Sample no. 6669-A.)

This case involved a quantity of canned shrimp that contained excessive brine and was short weight.

On May 21, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 98 cases of canned shrimp at St. Louis, Mo., alleging that the article had been

shipped in interstate commerce, on or about April 23, 1932, by James A. Smith, from Fernandina, Fla., to St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Meletio's DeLuxe Quality Shrimp Wet Pack Contents 5 $\frac{3}{4}$ oz."

It was alleged in the libel that the article was adulterated in that a substance, brine, had been substituted in part for the article.

Misbranding was alleged for the reason that the statement on the label, "Contents 5 $\frac{3}{4}$ oz.", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was 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 September 12, 1932, the Meletio Seafood Co., St. Louis, Mo., having appeared as claimant and having admitted the allegations of the libel, judgment was entered ordering the product released to the claimant upon the execution of a bond in the sum of \$500, conditioned that it be relabeled to show its true contents.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20977. Misbranding of cider vinegar. U. S. v. The Naas Corporation. Plea of guilty. Fine, \$25. (F. & D. no. 25683. I. S. nos. 09137, 010140.)

This action was based on interstate shipments of cider vinegar which was found to be short of the volume declared on the label. The requirement of the law that the quantity of the contents be stated on the label was not complied with, since the statements were incorrect.

On July 11, 1932, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against the Naas Corporation, Cohocton, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about March 14, 1929, and May 31, 1929, from the State of New York into the State of Michigan, of quantities of vinegar that was misbranded. A portion of the article was labeled: "Steuben Brand * * * Net Contents One Pint Reduced Cider Vinegar * * * Naas Cider & Vinegar Co., Inc. Cohocton, N.Y." The remainder was labeled, "Cider Vinegar * * * NA-CO Brand * * * Naas Cider & Vinegar Co., Inc., Cohocton, N.Y." The label in the latter lot also bore the statement, "Net Contents One Pint", which statement was lightly over stamped "10 Oz."

It was alleged in the information that the article was misbranded in that the statement, "Net Contents One Pint", with respect to a portion of the article, and the statements, "10 Oz." and "Net Contents One Pint", with respect to the remainder, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the bottles in the first lot contained less than 1 pint and those in the latter lot contained less than 10 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.

On March 28, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20978. Adulteration and misbranding of cheese. U. S. v. Fred Wuethrich and Alfred Wuethrich (Wuethrich Bros.). Pleas of guilty. Fine, \$10. (F. & D. no. 26608. Sample no. 14374.)

This case was based on an interstate shipment of cheese which contained excessive moisture.

On September 12, 1931, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Fred Wuethrich and Alfred Wuethrich, copartners, trading as Wuethrich Bros., Doylestown, Wis., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about November 6, 1930, from the State of Wisconsin into the State of Illinois, a quantity of cheese which was adulterated and misbranded. The article was labeled: (Box) "Rosebud Cream Cheese Made from Whole Milk Distributed by G. H. Hammond Co., Chicago, U. S. A."; (on each cheese) "Wisconsin No. 1."