

October 11, 1932, from Salem, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Jordan Brand Bartlett Pears."

It was alleged in the libel that the article was misbranded in that it fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, because of excessive trimming, and because it was water packed, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

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

21083. Adulteration and misbranding of butter. U. S. v. William H. Elsass, Alfred E. Elsass, Laurence E. Elsass, C. Eugene Elsass, and Otto W. Elsass (Elsass' Creamery). Plea of guilty. Fine, \$25. (F. & D. no. 29506. Sample nos. 6551-A, 6556-A, 6605-A.)

This case was based on various 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 April 18, 1933, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William H. Elsass, Alfred E. Elsass, Laurence E. Elsass, C. Eugene Elsass, and Otto W. Elsass, copartners, trading as Elsass' Creamery, Rector, Ark., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about April 15, 18, and 21, 1932, from the State of Arkansas into the State of Tennessee, of quantities of butter that was adulterated and misbranded. The article was labeled in part: (Package) "Monogram Creamery Butter * * * The Cudahy Packing Co. * * * Chicago."

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

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it was not butter as defined by the act of March 4, 1923.

On May 1, 1933, a plea of guilty was entered on behalf of all defendants, and the court imposed a fine of \$25.

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

21084. Adulteration and misbranding of cottonseed screenings. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 29453. I. S. no. 45581.)

This case was based on the interstate shipment of a quantity of cottonseed screenings which contained less than 43 percent of protein, and more than 12 percent of crude fiber, the amounts declared on the label.

On February 27, 1933, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chickasha Cotton Oil Co., a corporation trading at Anadarko, Okla., alleging shipment by said company, under the name of Anadarko Cotton Oil Mill, on or about October 15, 1931, from the State of Oklahoma into the State of Kansas, of a quantity of a product invoiced as cottonseed screenings, which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Kansas Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

It was alleged in the information that the article was adulterated in that a product containing less than 43 percent of protein and more than 12 percent of crude fiber had been substituted for the article.

Misbranding was alleged for the reason that the statements "43% Protein * * * Guaranteed Analysis Protein, not less than 43%, * * * Crude Fiber, not more than 12%", borne on the tag, were false and misleading,

and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein, and more than 12 percent of crude fiber.

On May 22, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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

21085. Adulteration and misbranding of butter. U. S. v. Armour & Co. (Armour Creamery Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28200. Sample no. 6604-A.)

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 prescribed by Congress.

On October 20, 1932, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation trading as the Armour Creamery Co., at Springfield, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about April 19, 1932, from the State of Missouri into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries, General Offices, Chicago."

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

Misbranding was alleged for the reason that the statement, "Creamery Butter" on the label, was 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 as defined by the act of March 4, 1923.

On April 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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

21086. Misbranding of butter. U. S. v. 4 Boxes of Butter. Default decree of condemnation entered. (F. & D. no. 28396. Sample no. 13021-A.)

This case involved a shipment of butter, sample packages of which were found to contain less than 1 pound, the declared weight.

On May 31, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 4 boxes of butter at Washington, D. C., alleging that the article had been shipped by the Marty Creamery Co., from Monroe, Wis., on or about May 19, 1932, and had been transported from the State of Wisconsin into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Dutch Maid Butter One Lb. Net * * * Marty Creamery Co., Monroe, Wisc."

It was alleged in the libel that the article was misbranded in that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents on the outside of the package, since the statement made was not correct.

On March 8, 1933, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be disposed of by the United States marshal in such manner as would not violate the provisions of the Federal Food and Drugs Act.

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

21087. Adulteration and misbranding of Swiss cheese. U. S. v. 1 Wheel of Swiss Cheese, et al. Default decree of condemnation and forfeiture. Product delivered to Government agency. (F. & D. no. 29841. Sample nos. 27883-A, 27884-A, 27895-A.)

This case involved the interstate shipment of a product represented to be Wisconsin Swiss cheese. The article was found to contain less than 45 percent of fat on a dry basis and was accordingly adulterated and misbranded, since