21098. Adulteration and misbranding of butter. U. S. v. Finke Creamery Co. Plea of nolo contendere. Fine, $50 and costs. (F. & D. no. 29491. Sample no. 2286–A.)

This case was based on the interstate shipment of a quantity 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 April 3, 1933, 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 Finke Creamery Co., a corporation, Scottsbluff, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1932, from the State of Nebraska into the State of Wyoming, of a quantity of butter that was adulterated and misbranded. The article was labeled in part: "Creamery Butter * * * Manufactured by Finke Creamery Co., Scottsbluff, Nebraska."

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 Congress of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement, "Creamery Butter" 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 said statement represented that the article was creamery butter, a product which should contain not less than 80 percent by weight of milk fat, as required by law; whereas it was not.

On June 12, 1933, a plea of nolo contendere 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.*

21099. Adulteration of canned salmon. U. S. v. Pioneer Packing Co. Plea of guilty. Fine, $75 and costs. (F. & D. no. 29520. Sample nos. 1048–A, 26074–A, 26094–A, 26107–A.)

This case was based on shipments of canned salmon, samples of which were found to be decomposed.

On May 12, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pioneer Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 29, 1932, from the State of Washington into the State of California, and on or about August 6, 1932, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated. A portion of the article was labeled in part: "Quail Brand Pink Salmon * * * Haas, Baruch & Co., Los Angeles, Calif. Distributors."

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

On June 12, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $75 and costs.

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

21100. Adulteration of dried cherries. U. S. v. Joseph Fusco (J. Fusco). Plea of guilty. Fine, $25. (F. & D. no. 29521. Sample no. 608–A.)

This case was based on an interstate shipment of dried cherries which were in part moldy, and which contained live and dead worms and excreta.

On April 14, 1933, 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 Joseph Fusco, trading as J. Fusco, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about June 1, 1932, from the State of California into the State of New York, of a quantity of dried cherries which were adulterated. The article was labeled in part: "California Dried Cherries."

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

On May 4, 1933, the defendant entered a plea of guilty to the information and the court imposed a fine of $25.

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