

product might be released to the claimant upon payment of costs and the execution of a bond in the total sum of \$1,000, conditioned that it be brought into conformity with the law under the supervision of this Department.

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

21372. Adulteration and misbranding of butter. U. S. v. Gold Seal Creamery. Plea of guilty. Fine, \$250. (F. & D. no. 30220. Sample nos. 1483-A, 1485-A, 1486-A, 1487-A, 1488-A.)

This case was based on interstate shipments of butter, sample cartons of which were found to contain less than 1 pound, the declared weight. Certain lots of the product also were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On July 20, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gold Seal Creamery, a corporation, Medford, Ore., alleging shipment by said company in violation of the Food and Drugs Act as amended, in part on or about September 6, 1932, and in part on or about September 12, 1932, from the State of Oregon into the State of California, of quantities of butter which was misbranded and a portion of which was adulterated. A portion of the article was labeled in part: (Carton) "Net Weight One Pound * * * One Pound Standard Grade Butter"; (wrapper) "Weight One Pound Standard Grade Butter * * * Gold Seal Creamery * * * Gold Seal Creamery, Medford, Ore." The remainder was labeled in part: "Maid O'Sweet Cream Butter Manufactured by Gold Seal Creamery * * * Net Weight One Pound."

It was alleged in the information that certain lots of the "Gold Seal" butter were adulterated in that a product deficient in milk fat, since it contained 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 required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of the said lots of "Gold Seal" butter was alleged for the reason that the statements, "Butter", and "Standard Grade Butter", borne on the cartons and wrappers, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; whereas it was not butter, since it contained less than 80 percent by weight of milk fat. Misbranding was alleged with respect to all lots of the product for the reason that the statements regarding the weight, "Net Weight One Pound" and "One Pound", borne on the wrappers and cartons, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since each of a large number of the packages in all lots was found to contain less than 1 pound net. 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 statement of weight was incorrect.

On August 8, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

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

21373. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30864. Sample no. 49783-A.)

This case involved an interstate shipment of blueberries which were found to be infested with maggots.

On August 7, 1933, 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 a libel praying seizure and condemnation of six crates of blueberries at Buffalo, N.Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1933, by E. J. Matthews from Hazleton, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 21, 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 destroyed by the United States marshal.

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