24844. Adulteration and misbranding of butter. U. S. v. The Southern Butter Co. Plea of guilty. Fine, $100. (F. & D. no. 34046. Sample no. 2441-B.)

This case was based on an interstate shipment of butter that was deficient in milk fat and short weight.

On June 21, 1935, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southern Butter Co., a corporation, Muskogee, Okla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 13, 1934, from the State of Oklahoma into the State of Michigan, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Butter 30 Lbs. Net Wt. Rolls 1 lb. Country Roll"; (parchment wrapper) "1 Lb. Net Weight When Packed."

The article was alleged to be 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 defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter 30 Lbs. Net Wt. Rolls 1 Lb. Country Roll" and "1 Lb. Net Weight", borne on the labeling, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat; that each carton contained 30 pounds of the said article; that each package contained 1 pound net of the said article; whereas it was not butter, since it contained less than 80 percent by weight of milk fat; each carton did not contain 30 pounds of butter, but did contain a less amount; and each package did not contain 1 pound net of butter, but did contain a less amount. 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 statements made were incorrect.

On August 5, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $100.

W. R. Gregg, *Acting Secretary of Agriculture.*

24845. Adulteration and misbranding of butter. U. S. v. Rufus Niemi (Central Illinois Creamery). Plea of guilty. Penalty, $50. (F. & D. no. 34047. Sample no. 4410-B.)

This case was based on an interstate shipment of butter that was deficient in milk fat and that was not labeled to indicate the quantity of the contents.

On July 22, 1935, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rufus Niemi, trading as the Central Illinois Creamery at Nokomis, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about May 30, June 5, and June 29, 1934, from the State of Illinois into the State of Missouri of a quantity of butter which was adulterated and misbranded.

The article was alleged to be 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 required by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents of the package was not plainly and conspicuously marked on the outside of the package.

On August 16, 1935, the defendant entered a plea of guilty and the court imposed a penalty of $50 in lieu of fine and costs.

W. R. Gregg, *Acting Secretary of Agriculture.*

24846. Adulteration of canned sardines. U. S. v. Coast Fishing Co. Plea of guilty. Fine, $150. (F. & D. no. 34049. Sample nos. 29586-A, 29587-A, 29592-A, 29593-A, 38383-A.)

This case was based on interstate shipments of several lots of canned sardines which were in part decomposed.

On June 27, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Coast Fishing Co., a corporation, Wilmington, Calif., alleging that on or about February 23, 1934, the defendant company delivered to the Franco-Italian Packing Co., Inc., quantities of canned