

Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 22 and 30 and May 8, 1941, by Bell Creamery Co. from Hugo, Okla.; and charging that it was adulterated and misbranded.

Portions of the article were labeled in part: (Parchment wrapper) "Gold Medal Brand Creamery Butter \* \* \* Distributed by [or "Packed expressly for"] Longino & Collins New Orleans, La.," or "Elegant Creamery Butter \* \* \* Gerde Newman & Company Distributors"; (retail cartons) "Hartson's Best Butter Packed Especially for W. H. Hartson \* \* \* One Pound Net Weight"; (some of the tubs) "Gold Medal Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance; portions were alleged to be adulterated further in that it consisted in whole or in part of a filthy substance; and certain portions were alleged to be adulterated still further 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 as provided by law.

A portion was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat; and portions were alleged to be misbranded in that the tubs in which it was packed did not bear a statement of the name and address of the manufacturer, packer, or distributor, and (certain lots) a statement of net weight and the name of the product.

On July 8, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**2364. Adulteration of butter. U. S. v. Benewah Creamery, Inc. Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 4144. Sample Nos. 52277-E, 52571-E, 52576-E.)

This product contained less than 80 percent of milk fat.

On August 18, 1941, the United States attorney for the Eastern District of Washington filed an information against Benewah Creamery, Inc., Spokane, Wash., alleging shipment within the period from on or about December 11, 1940, to on or about January 27, 1941, from the State of Washington into the States of Oregon and Idaho, of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 25, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$35 each on counts I and II and a fine of \$30 on count III.

**2365. Adulteration of butter. U. S. v. Edward A. Best and Isabel J. Best (Best Bros. Creamery). Pleas of nolo contendere. Fines, \$200.** (F. D. C. No. 4135. Sample No. 8301-E.)

On June 4, 1941, the United States attorney for the Western District of Michigan filed an information against Edward A. Best and Isabel J. Best, copartners, trading as Best Bros. Creamery at Iron Mountain, Mich., alleging shipment by said defendants on or about January 22, 1941, from the State of Michigan into the State of Wisconsin of a quantity of butter that was adulterated. It was labeled in part: "Best's Creamery Butter \* \* \* Distributed By Lauerman Brothers Co. Marinette, Wis. Oconto, Wis."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 7, 1941, the defendants having entered pleas of nolo contendere, the court imposed a fine of \$100 against each.

**2366. Adulteration of butter. U. S. v. Blue Bell Creameries. Plea of nolo contendere. Fine, \$300.** (F. D. C. No. 2932. Sample Nos. 35004-E, 35005-E, 35006-E.)

On May 17, 1941, the United States attorney for the Western District of Texas filed an information against the Blue Bell Creameries, a corporation, Brenham, Tex., alleging that on or about May 4, 1940, the defendant gave to the Houston Packing Co. of Houston, Tex., a guaranty that all butter or dairy products delivered or shipped by the defendant to Houston Packing Co. would not be adulterated in violation of the Federal Food, Drug, and Cosmetic Act; that within the period from on or about May 22 to May 31, 1940, the defendant sold and delivered to Houston Packing Co. a quantity of butter; and that the

butter so sold and delivered by the defendant was shipped in interstate commerce by the purchaser during the same period.

The information alleged further that the butter so sold and shipped was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter; and that, by reason of the guaranty and the sale and delivery thereunder of adulterated butter, the defendant had unlawfully given to the Houston Packing Co. a guaranty that was false.

On June 13, 1941, the defendant entered a plea of nolo contendere and the court imposed a fine of \$300.

**2367. Adulteration of butter. U. S. v. Emma Creamery Co. Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 4141. Sample Nos. 16172-E, 43844-E.)

On June 16, 1941, the United States attorney for the Western District of Missouri filed an information against Emma Creamery Co., a corporation at Emma, Mo., alleging shipment on or about September 18 and December 19, 1940, from the State of Missouri into the State of Kansas of quantities of butter that was adulterated. A portion of the product was labeled. "Gold Seal \* \* \* Butter \* \* \* Churned and distributed \* \* \* by Talbot, Woods & Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 18, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$12.50 on each of the two counts, totaling \$25, and costs.

**2368. Adulteration of butter. U. S. v. Puritan Dairy Products Co. Plea of nolo contendere. Fine, \$100 and costs.** (F. D. C. No. 4176. Sample Nos. 43242-E, 43243-E.)

On September 6, 1941, the United States attorney for the District of Kansas filed an information against Puritan Dairy Products Co., a corporation at Pittsburg, Kans., alleging shipment within the period from on or about February 25 to on or about March 2, 1940, from the State of Kansas into the State of Oklahoma of quantities of butter that was adulterated. It was labeled in part: "Puritan Brand Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 12, 1941, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$50 on each of the two counts, totaling \$100, and costs.

**2369. Adulteration of butter. U. S. v. 87 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 5874. Sample Nos. 62329-E, 62333-E.)

On August 30, 1941, the United States attorney for the Northern District of Illinois filed a libel against 87 cubes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1941, by the American Dairies, Inc., from Kansas City, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 23, 1941, the American Dairies, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

**2370. Adulteration of butter. U. S. v. 4 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5871. Sample No. 58093-E.)

On August 5, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 4 cartons, each containing 30 pounds, of butter at Marinette, Wis., alleging that the article had been shipped in interstate commerce on or about July 29, 1941, by Best Bros. Creamery from Iron Mountain, Mich.; and charging that it was adulterated. It was labeled in part: "Best Creamery Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or extracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter.

On October 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.