

**12764. Misbranding of butter. U. S. v. 179 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18789. I. S. Nos. 18256-v, 18257-v. S. No. C-4418.)

On or about June 17, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 179 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Willow Springs Creamery Co., Willow Springs, Mo., on or about June 8, 1924, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Shipping package) "Sunset Gold Butter 30 Lbs. Net Willow Springs Creamery Co. Willow Springs, Mo.;" (retail package) "1 Lb. Net." The remainder of the said article was labeled in part: (Shipping package) "Plain  $\frac{1}{4}$  Lb. Prints 30 Lbs. Net. Divided From Willow Springs Creamery Co., Willow Springs, Mo."

Misbranding of the article was alleged in the libel for the reason that the statements "1 Lb. Net Weight" and " $\frac{1}{4}$  Lb. Prints 30 Lbs. Net," appearing on the labels of the respective lots, were false and misleading and deceived and misled the purchaser. 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.

On June 26, 1924, the Willow Springs Creamery Co., Willow Springs, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

**12765. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18301. I. S. No. 7484-v. S. No. C-4280.)

On February 12, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Central Produce Co., from Temple, Tex., on or about February 2, 1924, and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, for the further reason that moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted therefrom.

Misbranding was alleged for the 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.

On April 29, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

**12766. Misbranding of Ark-A-Lu. U. S. v. 52 Bottles, et al., of Ark-A-Lu. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 18034, 18035, 18036. I. S. Nos. 7224-v, 7225-v, 7227-v. S. Nos. C-4185, C-4186, C-4188.)

On November 20, 1923, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 126 bottles of Ark-A-Lu, remaining in the original unbroken packages at Marshall, Tex., alleging that the article had been shipped by the Vawter Drug Stores, from Monroe, La., in part June 27, 1923, and in part June 29, 1923, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.