

District Court of the United States for said district a libel praying the seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Corry Creamery Co., from Corry, Pa., on or about September 27, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 21, 1924, the Phenix Cheese Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$364, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it should contain at least 80 per cent of butterfat.

HOWARD M. GORE, *Secretary of Agriculture.*

12788. Adulteration of canned salmon. U. S. v. 1,113 Cases and 3,997 Cases of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14213, 14225. I. S. Nos. 10559-t, 10560-t. S. Nos. W-837, W-838.)

On January 18 and 19, 1921, respectively, the United States attorney for the Western District of Washington, 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 5,110 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pioneer Packing Co., from Cordova, Alaska, in part August 16, 1920, and in part September 2, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Parcel Post Brand Choice Pink Salmon," or "Westport Brand Pink Salmon." The remainder of the article was contained in unlabeled cans.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 8, 1924, the Pioneer Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12789. Adulteration of butter. U. S. v. 157 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18772. I. S. No. 20057-v. S. No. W-1514.)

On June 3, 1924, the United States attorney for the Western District of Washington, 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 157 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Union Creamery Co., from La Grande, Oreg., May 14, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed therewith so as to

reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On September 26, 1924, the Union Creamery Co., La Grande, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12790. Misbranding of butter. U. S. v. 4 Boxes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18958. I. S. Nos. 20281-v, 20282-v, 20283-v. S. No. W-1558.)

On August 14, 1924, the United States attorney for the Western District of Washington, 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 19 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by Frye & Co., Seattle, Wash., August 12, 1924, alleging that the article had been prepared for shipment from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Mayflower Fancy Creamery Butter" (or "Wild Rose Fancy Creamery Butter") "* * * One Pound Net Weight."

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

On August 19, 1924, Frye & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$400, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12791. Adulteration of canned clams. U. S. v. 52 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18800. I. S. No. 20379-v. S. No. W-1519.)

On June 20, 1924, the United States attorney for the Northern District of California, 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 52 cases of canned clams, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Warrenton Clam Co., Copalis, Wash., alleging that the article had been shipped from Copalis, Wash., on or about June 3, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Warrenton Brand Pure Whole Clams, Warrenton Clam Co., Warrenton, Oregon. Net Contents 1 Lb. 2 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed with and substituted wholly or in part for the said article.

On July 22, 1924, the Johnson Locke Mercantile Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 \$515, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Slack Filled Contains Excessive Brine. Minimum Contents 7¼ Oz. Clam Meat. This Size Can Should Contain 9 Oz. Clam Meat," under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*