the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about May 16, 1925, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13377. Adulteration and misbranding of butter. U. S. v. Sardis Creamery Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 18478. I. S. Nos. 4866-v, 4867-v, 4933-v, 4934-v.)

On December 2, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about August 3, 9, 13, and 15, 1923, respectively, from the State of Mississippi into the State of Tennessee, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Creamery Butter" and "Net Weight One Pound" or "1 Lb. Net Weight," as the case might be.

Analysis by the Bureau of Chemistry of this department of a sample from each of the four consignments showed 78.08 per cent, 77.26 per cent, 78.15 per cent, and 77.15 per cent, respectively, of milk fat. Examination by said bureau of a sample of 30 packages from each of two consignments and 60 and 59 packages, respectively, from the other two consignments showed that the average net weight of the said samples was 15.30, 15.41, 14.60, and 14.85 ounces, respectively.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements "Creamery Butter" and "Net Weight One Pound," or "1 Lb. Net Weight," as the case might be, borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter and that each of said packages contained 1 pound net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of said packages contained 1 pound net weight thereof, whereas, in truth and in fact, it did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture, and each of said packages did not contain 1 pound net weight of the article, but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat 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.

On April 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13378. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16899. I. S. No. 9375-v. S. No. C-2929.)

On October 28, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the