

**13390. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20020. I. S. No. 20439-v. S. No. W-1692.)

On April 3, 1925, 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 3 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on or about April 4, 1925, the article was to be shipped in interstate commerce by Swift & Co., from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Glenwood Creamy Butter Pasteurized Net Weight 2 Pounds. Distributed by Swift & Company, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the package containing the said article was labeled "Net Weight 2 Pounds," whereas it contained a less quantity.

On May 4, 1925, Swift & Co. 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 \$89, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

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

**13391. Adulteration and misbranding of canned oysters. U. S. v. 49 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20037. I. S. No. 20446-v. S. No. W-1698.)

On April 24, 1925, 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 49 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by James B. Eyman Co., from New Orleans, La., March 21, 1925, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lopez's Cove Oysters Beauty Brand Net Contents 10 Ozs. Oysters Packed by Lopez-Desporte Packing Co., Biloxi, Miss."

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

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive or mislead the purchaser, 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, since the drained weight of oysters contained in the said cans was less than stated on the label.

On May 5, 1925, the Lang & Stroh Co., San Francisco, Calif., the consignee of the shipment, 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 \$300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

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

**13392. Misbranding of butter. U. S. v. 25 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20027. I. S. No. 20545-v. S. No. W-1688.)

On March 26, 1925, 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 25 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article was being shipped by the American Factors, Inc., from San Francisco, Calif., March 25, 1925, in