

13760. Misbranding and alleged adulteration of butter. U. S. v. 237 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18149. I. S. No. 2311-v. S. No. E-4637.)

On December 8, 1923, the United States attorney for the Western District of New York, 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 237 tubs of butter, at Buffalo, N. Y., consigned by the Pioneer Creamery Co., from Champaign, Ill., alleging that the article had been shipped from Champaign, Ill., October 20, 1923, and transported from the State of Illinois 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 with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted therefrom.

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

On January 19, 1924, Fred F. Stone, Buffalo, N. Y., agent for the Pioneer Creamery Co., Galesburg, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant, upon payment of the costs of the proceedings and the execution of a cash bond in the sum of \$7,500, conditioned in part that the product be reanalyzed, the portion found to comply with the law released unconditionally and the bond reduced correspondingly, and that the remainder be reworked under the supervision of this department.

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

13761. Adulteration and misbranding of flour. U. S. v. 2,680 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18511. I. S. No. 2399-v. S. No. E-4790.)

On March 22, 1924, the United States attorney for the Western District of New York, 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 2,680 sacks of flour, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Kaw Milling Co., Topeka, Kans., alleging that the article had been shipped from Topeka, Kans., March 9, 1924, and transported from the State of Kansas into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "24½ Lbs. * * * Best Flour."

It was alleged in substance in the libel that the article violated the said act, in that a substance, excessive moisture, had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was misbranded in that the label bore the statement "24½ Lbs. * * * Best Flour," which was false and misleading and deceived and misled the purchaser, and in 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 statement made was not correct.

On May 12, 1924, the Kaw Milling Co., Topeka, Kans., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered on the grounds that the product was short weight and misbranded and contained too much moisture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,020, in conformity with section 10 of the act, said decree providing that the product may be reanalyzed and the portion found to comply with the law released unconditionally and the bond reduced proportionately, and that the remainder be reconditioned and repacked under the supervision of this department.

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