

New Jersey into the State of New York, and on or about December 17, 1923, and February 2, 1924, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of tomato puree which was adulterated. The article was labeled in part: (Can) "Fairdale Brand Tomato Puree * * * Packed By Fairdale Canning Co. Bridgeton, New Jersey."

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On September 28, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

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

13883. Adulteration of butter. U. S. v. 49 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20428. I. S. No. 1916-x. S. No. C-4820.)

On August 25, 1925, the United States attorney for the Southern District of Ohio, 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 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Fairmont Creamery Co., Chicago, Ill., July 27, 1925, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, 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 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 in 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.

On September 19, 1925, the Fairmont Creamery Co., Chicago, Ill., 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain not less than 80 per cent of milk fat or butterfat.

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

13884. Adulteration and misbranding of gray wheat shorts. U. S. v. 180 Sacks of Gray Wheat Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18981. I. S. No. 21353-v. S. No. C-4484.)

On September 23, 1924, the United States attorney for the Southern District of Mississippi, 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 180 sacks of gray wheat shorts, remaining in the original unbroken packages at Yazoo City, Miss., alleging that the article had been shipped by the All States Feed Mills, from Memphis, Tenn., on or about August 4, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gray Wheat Shorts with ground wheat screenings not exceeding the mill run * * * Guaranteed by All States Feed Mills, Memphis, Tennessee."

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

Misbranding was alleged for the reason that the designation "Gray Wheat Shorts" was false and misleading and deceived and misled the purchaser, in that the product was rye middlings containing a mere trace of wheat tissues. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 5, 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.*