

Misbranding of the article was alleged in the information for the 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 November 27, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13988. Adulteration of butter. U. S. v. 300 Tubs of Butter. Product ordered released under bond. (F. & D. No. 20468. I. S. No. 2007-x. S. No. C-4827.)

On or about September 21, 1925, the United States attorney for the Western District of Tennessee, 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 300 tubs of butter, at Memphis, Tenn., alleging that the article had been shipped by the Armour Creameries, from Jackson, Miss., May 29, 1925, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it did not contain 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 7, 1925, Armour & Co., Chicago, Ill., claimant, having prayed release of the product upon payment of the costs of the proceedings and having executed a bond in the sum of \$4,000, a decree of the court was entered, ordering that the said product be released under bond to the claimant to be reconditioned and retreated so as to meet the objections made to the said butter in the libel.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13989. Adulteration of chestnuts. U. S. v. 14 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20627. I. S. No. 4937-x. S. No. E-5551.)

On or about November 7, 1925, the United States attorney for the District of Maryland, 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 14 kegs of chestnuts, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by A. Papalia, from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

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

On December 10, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13990. Adulteration of canned salmon. U. S. v. 665 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20442. I. S. No. 49-x. S. No. W-1786.)

On September 23, 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 665 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Alaska Packers Assoc., alleging that the article had been shipped from Bristol Bay, Alaska, and transported from the Territory of Alaska into the State of California, arriving at San Francisco, Calif., August 24, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Brand Alaska Packers Association San Francisco" (design of a fish) "48 Tins Salmon N 18."

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

On December 12, 1925, the Alaska Packers Assoc. 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 \$9,500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13991. Adulteration of canned pitted cherries. U. S. v. 239 Cases of Canned Pitted Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20652. I. S. No. 1057-x. S. No. W-1820.)

On November 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 239 cases of canned pitted cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hunt Bros. Packing Co., from Salem, Oreg., on or about October 22, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Wonder Cooking Brand Pitted Royal Anne Cherries."

Adulteration of the article was alleged in the libel for the reason that a substance, cherry pits, 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.

On December 12, 1925, the Hunt Bros. Packing Co., Salem, Oreg., 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 \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13992. Adulteration and misbranding of butter. U. S. v. Walter R. Meier (Meier Creamery Co.). Plea of guilty. Fine, \$1. (F. & D. No. 19228. I. S. No. 15125-v, 15140-v.)

On December 27, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter R. Meier, trading as the Meier Creamery Co., Princeton, Wis., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about November 16 and 23, 1923, respectively, from the State of Wisconsin into the State of Maryland, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter."

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat 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 law.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it 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 an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On November 9, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

R. W. DUNLAP, *Acting Secretary of Agriculture.*