

It was alleged in substance in the libel as amended that the article was deficient in butterfat and was misbranded, in that it was offered for sale under the distinctive name of another article.

On August 17, 1925, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to recondition the product so that it should contain at least 80 per cent of butterfat, 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 \$800, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to comply with the law.

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

**14016. Misbranding of sweet potatoes. U. S. v. Benjamin A. Headley. Plea of guilty. Fine, \$5.** (F. & D. No. 12320. I. S. Nos. 15912-r, 15913-r, 15914-r, 15915-r.)

On October 29, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin A. Headley, Swedesboro, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about October 17, 22, and 23, and November 1, 1919, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of sweet potatoes in barrels which were misbranded. One shipment of the product was labeled: (Tag) "B. A. Headley, Wholesale Fruit and Produce, Swedesboro, N. J."

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 December 28, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

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

**14017. Adulteration and misbranding of butter. U. S. v. 10 Cases of Butter. Decree of condemnation entered. Product released under bond.** (F. & D. No. 20684. I. S. No. 7207-x. S. No. E-5552.)

On or about November 16, 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 10 cases of butter, consigned November 7, 1925, and remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Good Thunder Cooperative Dairy Assoc., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Butter One Pound Net."

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part 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 article was offered for sale under the distinctive name of another article, for the further reason that the statements "Butter" and "One Pound Net," borne on the labels, were false and misleading and deceived and misled the purchaser, and 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 November 30, 1925, the Good Thunder Cooperative Dairy Assoc., Good Thunder, Minn., having appeared as claimant for the property, judgment of condemnation 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 \$500, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled to show its contents, and inspected and approved by this department.

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