

alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about July 11 and 15, 1924, respectively, from the State of Illinois into the State of Missouri, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "The Clover Blossom Brand" (or "Country Maid Highest Quality") "Fancy Creamery Butter * * * Johnson Creamery Co. Stewardson Illinois." The remainder of the said article was labeled in part, "Pure 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 containing 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 the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "Pure Butter," borne on the respective labels, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter, or pure butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, or pure butter, as the case might be, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the label, was false and misleading, in that the statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it contained less than 80 per cent by weight of milk fat.

On May 19, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

14488. Misbranding of butter. U. S. v. 147 Pounds of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20245. I. S. No. 24800-v. S. No. C-4766.)

On June 23, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 147 pounds of butter, remaining in the original packages at Dallas, Tex., consigned by the Climax Creamery Co., Shawnee, Okla., alleging that the article had been shipped from Shawnee, Okla., on or about June 16, 1925, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "American Beauty Butter * * * Manufactured By The Climax Creamery Co. Shawnee, Okla. One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled 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, in that the product was short weight.

On May 10, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14489. Misbranding of olive oil. U. S. v. 28 Gallon Cans and 13 Half-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20921. I. S. No. 10489-x. S. No. W-1907.)

On or about March 11, 1926, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 gallon cans and 13 half-gallon cans of olive oil, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by A. Giurlani & Bro., from San Francisco, Calif., in various consignments, June 28, 1924, January 23, March 21, and October 16, 1925, respectively, and transported from the State of California