

15428. Misbranding and alleged adulteration of butter. U. S. v. 36 Boxes Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22016. I. S. No. 10931-x. S. No. 45.)

On or about July 26, 1927, the United States attorney for the Southern 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 seizure and condemnation of 36 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from the Tremonton Dairy Produce Co., Tremonton, Utah, in part on or about July 9, 1927, and in part on or about July 12, 1927, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libel that the article was adulterated, in that a product deficient in milk fat, said product containing less than 80 per cent of milk fat, had been substituted wholly or in part for butter. Adulteration was alleged for the further reason that a valuable constituent, namely, milk fat, had been partially abstracted from the article.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading and deceived and misled the purchaser, since the article contained less than 80 per cent of milk fat. Misbranding was alleged 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 August 6, 1927, the Tremonton Dairy Produce Co., Tremonton, Utah, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, 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 good and sufficient bond, conditioned in part that it be reconditioned and relabeled in a manner satisfactory to this department.

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

15429. Misbranding of Zendejas medicine. U. S. v. 53 Bottles of Zendejas Medicine. Default decree of forfeiture and destruction entered. (F. & D. No. 21639. I. S. No. 11253-x. S. No. C-5321.)

On March 2, 1927, the United States attorney for the Southern 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 53 bottles of Zendejas medicine, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by P. Zendejas, from Los Angeles, Calif., on or about December 26, 1926, and transported from the State of California 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 and bottle) "Blood Purifier * * * For all blood disorders impaired circulation, rheumatism, skin troubles," (circular) "If the disease does not yield to the treatment, the dose may be gradually increased up to the maximum of tolerance of your organism * * * Persons desiring only to tonify their system, should take smaller doses than indicated here," (Spanish, translated) "In the beginning of the treatment some persons may find that their symptoms apparently increase, this is the result of the medicine in removing the disease and therefore one should not be alarmed."

Analysis by this department showed that the article contained extracts of plant drugs, including a laxative drug, hexamethyleneamine, potassium iodide, and water.

It was alleged in the libel that the article was misbranded, in that the labels on the bottles, cartons, and circular bore statements regarding the curative and therapeutic effects of the said article which were false and fraudulent.

On November 17, 1927, no claimant having appeared for the property, judgment of 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.*

15430. Adulteration of butter. U. S. v. 3 Tubs and 5 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22030. I. S. No. 13327-x, 16309-x. S. No. 50.)

On or about August 3, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the