

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 13, 1928, the Yalobusha Cooperative Creamery Co., Water Valley, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$1,900, conditioned in part that it be reworked in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16000. Adulteration and misbranding of butter. U. S. v. 1,000 Pounds, et al., of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 23130. I. S. Nos. 01601, 01602, 01603. S. No. 1198.)

On or about September 8, 1928, 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, and on September 12, 1928, an amended libel, praying seizure and condemnation of 1,000 pounds 8-ounce prints and 100 pounds 1-pound prints of butter at Dayton, Ohio, consigned by the Liberty Creamery Co., Liberty, Ind., September 6, 1928, alleging that the article had been shipped in interstate commerce from Liberty, Ind., into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: (8-ounce prints) "8 Oz. Net Weight. This butter is made from pure cream," (portion of 1-pound prints) "1 Lb. Net Weight * * * This butter is made from pure cream * * *," (portion of 1-pound prints) "Fancy Creamery Butter, Gilt Edge * * * One Pound."

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for a product which must contain 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 statement, "Butter," borne on the label, was false and misleading in that it represented that the article consisted wholly of butter, 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 butter, 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, "Butter," borne on the label, was false and misleading in that it represented that the said article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, whereas 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 wrappers enclosing the article bore statements regarding the weight of the individual prints which were false, since the said prints were short weight.

On September 17, 1928, the Liberty Creamery Co., Liberty, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*