

Walsh Co., from Kalamazoo, Mich., May 15, 1928, and had been transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and putrid vegetable substance.

On September 8, 1928, Leifer & Simmons, Chicago, Ill., claimant, having admitted the allegations of the libel 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it be salvaged under the supervision of this department so as to remove the unfit portion.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16029. Adulteration and misbranding of chocolate confections. U. S. v. 92 Boxes of Chocolate Confections. Default decree of condemnation and destruction.** (F. & D. No. 22722. I. S. Nos. 24259-x, 24260-x, 24262-x. S. No. 755.)

On April 19, 1928, the United States attorney for the District of Connecticut, 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 92 boxes of chocolate confections, remaining in the original unbroken packages at New Haven, Conn., alleging that the articles had been shipped by D. Auerbach & Sons, New York, N. Y., in various consignments, on or about January 11, January 20, and April 2, 1928, respectively, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part, variously: "Auerbach Chocolate Marshmallow Bars Manufactured by D. Auerbach & Sons, New York, U. S. A.;" "Auerbach Four Kings Chocolate Covered Manufactured by D. Auerbach & Sons;" "Chocolate Nut Sundae D. Auerbach & Sons."

It was alleged in the libel that the articles were adulterated in that a foreign fat had been mixed and packed with and substituted in part for the said articles.

Misbranding was alleged for the reason that the statements, "Chocolate" and "Chocolate Covered," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive name of other articles.

On September 25, 1928, the claimant having failed to file an answer or contest the action, judgment of condemnation was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16030. Adulteration and misbranding of butter. U. S. v. 22 Cases of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22733. I. S. No. 21589-x. S. No. 773.)

On April 13, 1928, the United States attorney for the Southern District of Florida, 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 22 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Fitzgerald Creamery, Fitzgerald, Ga., April 7, 1928, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sweet Clover Creamery Butter, One Pound, Manufactured for Smith, Richardson and Conroy, Inc., Jacksonville, Fla."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article was false and misleading and deceived and misled the purchaser in that it represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not consist wholly of butter, but did consist of a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity