

in violation of the food and drugs act, in two consignments, on or about February 29, 1928, and March 7, 1928, respectively, from the State of Utah into the State of Washington, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Tub) "Mutual Cry Co. Seattle Wash. Net Contents This Package 69 Lbs."

It was alleged in the information 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 butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

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

On February 12, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

16199. Adulteration and misbranding of granulated damiana herb. U. S. v. 250 Pounds of Granulated Damiana Herb. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22728. I. S. No. 25016-x. S. No. 731.)

On April 23, 1928, the United States attorney for the Northern 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 praying seizure and condemnation of 250 pounds of granulated damiana herb at Cleveland, Ohio, alleging that the article had been shipped by S. B. Penick & Co. (Inc.), New York, N. Y., on or about May 16, 1927, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained 13.2 per cent of acid-insoluble ash.

It was alleged in the libel that the article was adulterated in that it was sold under a name synonymous with the name recognized in the National Formulary and differed from the standard of strength, quality, or purity provided by the said National Formulary, and in that its strength or purity fell below the professed standard or quality under which it was sold.

Misbranding was alleged for the reason that the statement "Granulated Damiana Herb," borne on the label, was false and misleading.

On February 7, 1929, 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.

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

16200. Adulteration of chestnuts. U. S. v. 14 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23229. I. S. No. 04110. S. No. 1339.)

On December 6, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 14 cases of chestnuts, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the International Fruit Exchange, from New York, N. Y., on or about November 15, 1928, and had been transported from the State of New York into the District of Columbia and was being offered for sale and sold in said district, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 1929, 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.

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