

condemnation of 36 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Cudahy Packing Co., from East Portland, Oreg., July 3, 1928, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat, to wit, containing less than 80 per cent of milk fat, had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted therefrom.

On July 21, 1928, the Cudahy Packing Co., San Francisco, Calif., having appeared as claimant for the property 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 \$1,100, conditioned in part that it be made to conform to the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16492. Misbranding of butter. U. S. v. 309 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23030, 23036, 23037. I. S. Nos. 026, 027, 029, 030, 031, 032, 057, 058. S. Nos. 982, 1018, 1033.)

On July 16 and July 25, 1928, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 480 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Miles City, Mont., by the Armour Creameries, in part on June 30, 1928, and in part on July 4, 1928, and had been transported from the State of Montana into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons or wrapped in parchment wrappers labeled in part, variously: "Armour's Cloverbloom Pasteurized Creamery Butter," "Armour's Cloverbloom * * * Creamery Butter," "Highest Grade Cloverbloom Brand Creamery Butter," "Made from Fancy Pasteurized Cream," "This butter is made from pure pasteurized cream," "Another Morris Delicacy Supreme * * * Morris & Company—Distributors," and "Morris' Supreme Pasteurized Creamery Butter." The said cartons and wrappers were further labeled with statements of the weight of the contents thereof, "One Pound Net Weight," "Two Pounds Net Weight, etc."

It was alleged in the libels that the article was misbranded in that the statements, "One Pound Net Weight," "Two Pounds Net Weight," "Net Weight One Pound," "Net Weight Two Pounds," "1 Lb. Net Weight," "2 Lbs. Net Weight," and "4 Ozs. Net Weight," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantities stated on the various labels were incorrect.

On July 19, 1928, and July 28, 1928, respectively, Armour & Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$12,000, conditioned in part that it be made to conform to and with the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16493. Adulteration of fava beans. U. S. v. 500 Bags of Fava Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23468. S. No. 1262.)

On February 25, 1929, the United States attorney for the Southern District of New York, 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 500 bags of fava beans, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from