

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, since the statements "One Pound Net" and "One Pound Net Weight" were incorrect.

On August 2, 1929, the June Dairy Products Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be repacked in tubs and relabeled with a plain, conspicuous, and correct statement of the net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16640. Adulteration of butter. U. S. v. 98 Tubbs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 23895. I. S. No. 08554. S. No. 2052.)

On June 24, 1929, the United States attorney for the District of Massachusetts, 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 98 tubbs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 11, 1929, alleging that the article had been shipped by the North American Creameries (Inc.), Paynesville, Minn., and transported from the State of Minnesota into the State of Massachusetts, 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 containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress of March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On June 27, 1929, the North American Creameries (Inc.), Boston, Mass., having appeared as claimant for the property, 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 deposit of collateral in the amount of \$2,500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16641. Adulteration and misbranding of butter. U. S. v. 34 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22824. I. S. No. 21599-x. S. No. 860.)

On April 23, 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 34 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Elberton Creamery (Inc.), from Elberton, Ga., April 16, 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. The article was labeled in part: (Carton) "Lake View Butter, Net Weight One Pound * * * Wilson & Company, Distributors."

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 butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be; and in that a product deficient in milk fat had been substituted for butter, which the 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 the said statement 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 so consist, 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 of the contents plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was not correct, the packages containing less than 1 pound.

On April 27, 1928, the Elberton Creamery (Inc.), Elberton, Ga., 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 \$850, conditioned in part that it be reworked so that the packages each contain 16 ounces net weight of butter.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16642. Adulteration and misbranding of feed. U. S. v. 250 Sacks of White Feed and Ground Screenings, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 23288, 23289, 23290. I. S. Nos. 01021, 01022, 01023. S. Nos. 1409, 1410, 1411.)

On December 29, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 250 sacks of white feed and ground screenings, 40 sacks of pulverized wheat, and 50 sacks of corn feed meal, remaining in the original unbroken packages at Ashley, Ill., alleging that the articles had been shipped by the General Commission Co., from Kansas City, Mo., on or about December 3, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part variously: "100 lbs. Kansas City White Feed and Ground Screenings * * * Heart of America Mills, General Commission Co., Distributors, Kansas City, Missouri * * * (Maximum mineral content 3%);" "100 lbs. Pulv. Wheat;" and "Corn Feed Meal Distributed by General Commission Company, Kansas City, Mo. * * * Ingredients: Ground Corn."

Analyses of samples of the articles by the Food, Drug, and Insecticide Administration of this department showed that they contained calcium carbonate.

It was alleged in the libel that the articles were adulterated in that in each instance they contained an article of food and food product in which some other article had been mixed and packed and substituted in part for the pure article, and which had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Maximum mineral content, 3%," borne on the label attached to the sacks containing the white feed and ground screenings, was false and misleading and deceived and misled the purchaser when applied to a product containing mineral ingredients in excess of that amount. Misbranding was alleged with respect to the remaining products for the reason that the statements "Pulverized Wheat" and "Ingredients Ground Corn," as the case might be, were false and misleading and deceived and misled the purchaser when applied to products containing calcium carbonate.

On January 28, 1929, the Kleinschmidt Produce Co., Ashley, Ill., and the General Commission Co., Kansas City, Mo., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was sentenced, and it was ordered by the court that the products be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that they be re-labeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16643. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23953. I. S. No. 08045. S. No. 2115.)

On July 24, 1929, the United States attorney for the Eastern District of Pennsylvania, 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 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sharon Cooperative Creamery Co., Le Sueur, Minn., alleging that the article had been shipped from Le Sueur, Minn., on or about July 22, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding 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 had been mixed and packed with the said article