

16698. Adulteration of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23892. I. S. No. 08603. S. No. 2060.)

On June 24, 1929, the United States attorney for the District of Rhode Island, 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 12 tubs of butter, remaining in the original unbroken packages at Providence, R. I., consigned about June 4, 1929, alleging that the article had been shipped by the Bridgeman-Russell Co., Duluth, Minn., and transported from the State of Minnesota into the State of Rhode Island, 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 approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On July 22, 1929, the Bridgeman-Russell Co., Duluth, Minn., 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 execution of a bond in the sum of \$396, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16699. Misbranding of butter. U. S. v. Fifteen 30-Pound Cases of Butter, et al. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23951, 23954. I. S. Nos. 08746, 08749, 08750. S. Nos. 2092, 2093.)

On or about July 11 and July 13, 1929, respectively, the United States attorney for the Southern District of Florida, 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 forty 30-pound cases of butter, remaining in the original packages at Jacksonville, Fla., alleging that the article had been shipped by the Moultrie Ice & Cold Storage Co., trading as the Moultrie Creamery, Moultrie, Ga., in part on June 25, 1929, and in part on July 10, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: (Cartons) "Clover Ridge Butter. Smith, Richardson & Conroy, Inc., Jacksonville, * * * One Pound Net Clover Ridge Butter;" "Royalton Creamery Butter One Pound Net;" "Sweet Clover Creamery Butter One Pound * * * Manufactured for Smith, Richardson & Conroy, Inc., Jacksonville, Florida."

It was alleged in the libels that the article was misbranded in that the statement on the package, "One Pound," was false and misleading and deceived and misled the purchaser, since the said packages did not contain 1 pound. 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 packages, since the said packages were short weight.

On July 16, 1929, the Moultrie Ice & Cold Storage Co., a Georgia corporation, trading as the Moultrie Creamery, Moultrie, Ga., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$500, conditioned in part that it be reworked so that each package contain 16 ounces of butter by net weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16700. Adulteration and misbranding of canned oysters. U. S. v. 600 Cases, et al., of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23984. I. S. Nos. 01162, 01163, 01164. S. No. 2226.)

On or about September 5, 1929, the United States attorney for the District of Kansas, 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 600 cases of 4-ounce cans, 150 cases of 5-ounce cans, and 90 cases of 8-ounce cans of canned oysters, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the

Shelmore Oyster Products Co., from Charleston, S. C., on or about March 1, 1929, and transported from the State of South Carolina into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Oysters Crystal Bay Brand Shelmore Oyster Products Co., * * * Contents 4 Ozs. Net," (or "Contents 5 Ozs. Net" or "Contents 8 Ozs. Net").

It was alleged in the libel that the article was adulterated in that it contained excessive brine, which had been mixed and packed with it so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged in substance for the reason that the statements on the labels, "Contents 4 Ozs. Net," "Contents 5 Ozs. Net," and "Contents 8 Ozs. Net," were false and misleading, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1929, the Shelmore Oyster Products Co., Charleston, S. C., having appeared as claimant for the property 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 \$500, conditioned in part that it should not be sold or offered for sale in violation of law and be relabeled to show the true quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*