

On March 3, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17192. Misbranding of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24679. I. S. No. 028908. S. No. 2889.)

On February 20, 1930, the United States attorney for the District of New Jersey, 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 cases of butter at Newark, N. J., alleging that the article had been shipped by Swift & Co., from Atlantic, Iowa, on or about February 8, 1930, and transported from the State of Iowa into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Brookfield Pasteurized Creamery Butter Quarters 1 Lb. Net Weight * * * Swift & Company * * * Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight," was false and misleading and deceived and misled the purchaser; and in that it 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 statement "1 Lb. Net Weight" was incorrect.

On April 9, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17193. Adulteration of scallops. U. S. v. 5 Barrels of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 24630. I. S. No. 028893. S. No. 2862.)

On February 14, 1930, 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 5 barrels of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. L. Harris & Co., Cambridge, Md., on or about February 13, 1930, and transported from the State of Maryland into the State of New York, 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, water, had been mixed and packed with and substituted in part for scallops.

On February 28, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product passed by this department as fit for human consumption be delivered to a charitable institution, and the unfit portion, if any, destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17194. Misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24360. I. S. No. 021298. S. No. 2375.)

On October 1, 1929, 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 5 cases of butter, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by Swift & Co. (Inc.), from Clarinda, Iowa, on or about September 15, 1929, and transported from the State of Iowa into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print) "1 Lb. Net weight Brookfield Pasteurized Creamery Butter. * * * Distributed By Swift & Company * * * Chicago, U. S. A."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight," appearing on the label, was false and misleading and deceived and misled the purchaser; and for the further reason that 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 statement "1 Lb. Net Weight" was incorrect.