

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 \$1,000, conditioned in part that it be used in the manufacture of pasteurized process cheese, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17340. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24818. I. S. No. 023418. S. No. 3134.)

On May 9, 1930, United States attorney for the Western District of Washington, 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 3 cases of butter, remaining in the original unbroken packages at steamship pier, Seattle, Wash., alleging that the article was to have been shipped by the Washington Creamery Co., Seattle, Wash., about May 8, 1930, from the State of Washington to Anvik, Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Blue Ribbon Brand Butter—One Pound—Distributed by Washington Creamery Co. Seattle, Washington."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound," borne on the label, was false and misleading, since the package contained less than 1 pound of butter. Misbranding was alleged 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 quantity stated on the package was not correct.

On May 20, 1930, the Washington Creamery Co., Seattle, Wash., claimant, having admitted the allegations of the libel 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 \$100, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17341. Misbranding of butter. U. S. v. 324 Packages of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24668. I. S. No. 022531. S. No. 2752.)

On or about January 30, 1930, the United States attorney for the District of Montana, 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 three hundred and twenty-four 1-pound packages of butter, remaining in the original unbroken packages at Butte, Mont., alleging that the article had been shipped by the American Packing & Provision Co., Ogden, Utah, on or about January 6, 1930, and transported from the State of Utah into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Fresh Creamery Butter American Packing & Provision Co., Ogden, Utah. One Pound."

It was alleged in substance in the libel that the article was misbranded in that the statements on the label were false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound of the said article. Misbranding was alleged for the further reason that the wrapper bore a statement regarding the contents therein contained which was false and misleading in that the said label represented that the contents thereof weighed not less than 1 pound, whereas the said contents weighed less than 1 pound. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the packages.

On February 8, 1930, M. J. Fitzpatrick, Butte, Mont., 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 \$300, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*