

by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

On May 13, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17372. Adulteration of butter. U. S. v. 23 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24846. I. S. No. 019323. S. No. 2926.)**

On or about February 21, 1930, the 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 23 boxes of butter, remaining in the original unbroken packages at Auburn, Wash., alleging that the article had been shipped by the Clark Fork Creamery Co., Clarks Fork (Clark Fork) Idaho, about February 12, 1930, and transported from the State of Idaho into the State of Washington, 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 product containing less than 80 per cent of milk fat had been substituted for butter.

On March 10, 1930, the Auburn Dairy Products (Inc.), Auburn, 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 \$200, 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.*

**17373. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24676. I. S. No. 028906. S. No. 2785.)**

On January 24, 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 3 cases of butter, remaining unsold at Union City, N. J., alleging that the article had been shipped by Heins & Co. (Inc.), Union City, N. J., on January 22, 1930, from New York, N. Y., in interstate commerce 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: "Fancy Print Butter Philadelphia Brand Sweet Eight Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Eight Ounces," was 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 the contents was not plainly and conspicuously marked on the outside of the package, since the statement "Eight Ounces" was incorrect.

On March 17, 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.*

**17374. Adulteration of grapefruit. U. S. v. 360 Cases of Grapefruit. Product adjudged adulterated and released under bond to be reconditioned. Good portion released; bad portion destroyed. (F. & D. No. 24666. I. S. Nos. 09600, 025737. S. No. 2890.)**

On February 12, 1930, the United States attorney for the Eastern District of Oklahoma, 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 360 cases of grapefruit, remaining in the original unbroken packages at Chickasha, Okla., alleging that the article had been shipped by Herbert Abraham, from Sharyland (Shadyland), Tex., on or about February 3, 1930, and transported from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "March Seedless Blue-bonnet Texas Sweet, Texas Citrus Fruit Growers Exchange, Rio Grande Valley, Grower's No. 101." The remainder of the said article was labeled in part: "From the Land of the Rio Grande, Texas Sure Sweet Grape Fruit, Texas Citrus Fruit Grower's Exchange, Grower's No. 101."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed grapefruit.

On February 13, 1930, Louis Abraham, Oklahoma City, Okla., appeared as claimant for the property and filed a cash bond in the sum of \$2,000. The product was released to the said claimant to be removed to Tulsa, Okla., for reconditioning under the supervision of this department. On March 24, 1930, a decree was entered finding that the product was adulterated as alleged in the libel and was shipped in interstate commerce in violation of said act. The product having been sorted, the 240 cases which were found not in violation of the law were returned to the claimant, and the 108 cases which were found in violation of the law were destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17375. Adulteration and alleged misbranding of butter. U. S. v. 76 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24665. I. S. No. 037526. S. No. 2995.)**

On or about March 10, 1930, the United States attorney for the Eastern District of Louisiana, 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 76 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Great Atlantic & Pacific Tea Co., Chicago, Ill., on or about March 1, 1930, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Silverbrook Creamery Butter One Pound Net Weight The Great Atlantic and Pacific Tea Company, New York, N. Y."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a substance containing less than 80 per cent by weight of butterfat had been substituted for butter, a product which should contain not less than 80 per cent by weight of butterfat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 22, 1930, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further 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 \$700, conditioned in part that it be reworked under the supervision of this department, so that it comply with the requirements of the Federal food and drugs act defining butter and providing a standard therefor.

ARTHUR M. HYDE, *Secretary of Agriculture.*