

sippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Setter Brand Unpeeled Pie Peaches, * * * packed by Evans Canning Co. Fort Valley, Ga."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On May 21, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17498. Misbranding and alleged adulteration of butter. U. S. v. 20 Cases and 44 Tubs of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. No. 24828. I. S. Nos. 037552, 037553. S. No. 3057.)

Samples of the tub butter herein described having been found to contain less than 80 per cent of butterfat, and samples of the print butter having been found to be short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

On or about March 26 and March 27, 1930, respectively, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 20 cases, each containing 30 pounds of print butter, and 44 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Clover Farm Dairy Co., Memphis Tenn., on or about March 14, 1930, and had been transported from the State of Tennessee into the State of Louisiana, and charging misbranding with respect to the print butter, and adulteration and misbranding with respect to the tub butter, in violation of the food and drugs act as amended. The tub butter was labeled in part: "The Clover Farm Dairy Co. * * * Memphis, Tenn." The print butter was labeled in part: (Retail carton) Dixie Clover Creamery Butter One Pound When Packed Quarters;" (shipping carton) From Clover Farm Dairy Company, Memphis, Tenn."

Adulteration of the tub butter was alleged for the reason that a product deficient in milk fat had been substituted for butter which the article purported to be, and for the further reason that a product containing 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 Congress of March 4, 1923, which the article purported to be.

Misbranding of the print butter was alleged in the libel for the reason that the statement "One Pound When Packed," borne on the label, was false and misleading and deceived and mislead 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, in that the quantity stated on the package was not correct. Misbranding of the said tub butter was alleged for the reason that it was offered for sale under the distinctive name of another article.

On April 7, 1930, the Clover Farm Dairy Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libels, judgments were entered finding the print butter misbranded in that the prints contained less than 16 ounces of butter, and that the tub butter was misbranded in that it was sold under the distinct (distinctive) name of another article. Judgments of condemnation and forfeiture were 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 bonds totaling \$1,900, conditioned in part that it be brought into compliance with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17499. Misbranding of flour. U. S. v. 460 Sacks of Flour. Decree of condemnation, forfeiture, and sale entered, with provision for release under bond. (F. & D. No. 24591. I. S. No. 026996. S. No. 2944.)

Sample sacks of flour from the following described interstate shipment having been found to contain less than the amount labeled on the sack, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Louisiana.

On March 6, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation

of 460 sacks of flour, remaining in the original unbroken packages at Lake Arthur, La., alleging that the article had been shipped by the American Maid Flour Mills, Houston, Tex., on or about February 8 (February 20), 1930, and had been transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "American Maid Flour * * * American Maid Flour Mills Bleached 24 Pounds."

It was alleged in the libel that the article was misbranded in that the statement "24 Pounds" was false and misleading and deceived and misled the purchaser, since the packages contained less than the weight indicated thereon. 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 made on the said package as to the weight of the contents was incorrect.

On April 21, 1930, no answer or claim having been filed, the case came on for final disposition. Judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. The decree provided, however, that the product might be released to the shipper, the American Maid Flour Mills, Houston, Tex., or the consignee, J. C. Mack, Lake Arthur, La., upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be repacked, under the supervision of this department, in compliance with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17500. Misbranding of butter. U. S. v. 8 Boxes, et al., of Butter. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 24894, 24895. I. S. Nos. 022643, 023612. S. Nos. 2994, 2997.)

Sample cartons of butter from the herein-described interstate shipment having been found to contain less than 1 pound, the weight declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of New Mexico.

On March 14 and March 17, 1930, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 14 boxes of butter, remaining in the original packages in part at Raton, N. Mex., and in part at Las Vegas, N. Mex., alleging that the article had been shipped by Swift and Co., from Denver, Colo., on or about March 11 and March 14, 1930, and had been transported from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box) "MacMarr Food Corp. Ltd., Las Vegas, N. Mex. or ["Raton, N. Mex.]" * * * Snodgrass Food Co. * * * 1 Lb. Cartons Creamery Butter;" (carton) "French Creamery Butter * * * Distributed by the Snodgrass Food Co., One Pound Net Weight."

It was alleged in the libels that the article was misbranded in that the statement "One Lb. Net Weight," borne on the carton 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 April 19, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled to show the correct weight and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*