

as amended. The article was labeled in part: (Retail package) "Creamery Butter * * * One Pound Net * * * J. A. Long Co. * * * Portland, Indiana."

It was alleged in the libel that the article was misbranded in that the packages were labeled so as to deceive or mislead the purchaser by a false and misleading statement, namely, "One Pound Net." Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On August 28, 1930, J. A. Long Co., Portland, Ind., 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 the execution of a bond in the sum of \$6,500, or the deposit of cash bond in like amount, conditioned that it be repacked in tubs and labeled with a correct statement of the quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17677. Adulteration of blueberries. U. S. v. 12 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25262, 25263. I. S. Nos. 3001, 5573. S. Nos. 3327, 3329.)

Samples of blueberries from the herein described interstate shipments having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 1 and August 4, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 28 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Henry Kontio, from Rockland, Me., in part on August 1, 1930, and in part on August 2, 1930, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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

On August 25, 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.*

17678. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24988. I. S. No. 036705. S. No. 3250.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Bagley Creamery Co., from Bagley, Wis., June 23, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since the article contained less than 80 per cent of milk fat.

On September 24, 1930, the Lambrecht Creamery Co., Chicago, Ill., 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, to be

reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17679. Misbranding and alleged adulteration of sirup. U. S. v. 418 Cases of Sirup. Product adjudged misbranded and ordered released under bond. (F. & D. No. 24983. I. S. Nos. 6801, 6802, 6803. S. No. 3339.)

Samples of a product labeled "Pure Cane Syrup," from the herein described interstate shipment having been found to contain sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On August 15, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 418 cases of sirup, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by the Mayer Sugar & Molasses Co. (Inc.), from New Orleans, La., in part on or about April 18, 1930, and in part on or about June 27, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Cane Syrup Made in the Old Way on the Louisiana Plantation. Packed by Mayer Sugar & Molasses Company, Inc., New Orleans, La."

It was alleged in the libel that the article was adulterated in that sugar sirup had been mixed and packed therewith so as to lower and injuriously affect its quality and strength, and had been substituted in part for pure cane sirup which the said article purported to be.

Misbranding was alleged for the reason that the statements on the labels of the cans, "100 per cent Pure Cane Syrup Made in the Old Way on the Louisiana Plantation," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, pure cane sirup.

On September 12, 1930, Crausbay-Alexander & Co., having appeared as claimants for the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the said product be released to the claimants upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled so that it comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17680. Misbranding of salad oil. U. S. v. 474 Cartons, et al., of Salad Oil. Consent decree of forfeiture entered. Product released under bond. (F. & D. No. 23909. I. S. Nos. 03883, 03884, 03885. S. No. 2127.)

Sample cans of salad oil from the herein described shipment having been found to contain less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On August 2, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 474 cartons (each containing 6 gallon cans) and 3 gallon cans; 74 cartons (each containing 12 half-gallon cans) and 9 half-gallon cans; and 49 cartons (each containing 24 quarter-gallon cans) and 21 quarter-gallon cans of salad oil, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Van Camp Packing Co., from Louisville, Ky., on or about July 3, 1929, and had been transported from the State of Kentucky into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Contadina Brand Oil Pure Vegetable Salad Oil Contadina Oil Co. One Gallon Net [or "One Half Gallon Net" or "One Quarter Gallon Net"]."

It was alleged in the libel, among other allegations, that the article was misbranded in that the statements "One Gallon Net," "One Half Gallon Net," and "One Quarter Gallon Net," borne on the labels of the cans, were 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 packages, since the quantities stated were not correct.