

labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 41 per cent, or 43 per cent, as the case might be, of protein, and that the sacks each contained 100 pounds, whereas the articles contained less protein than so declared, and the sacks containing portions of the articles contained less than 100 pounds thereof. Misbranding was alleged with respect to the said portions of the products for the further reason that they were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the sacks contained less than declared.

On October 31, 1930, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$160.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17707. Misbranding of grape juice. U. S. v. 4½ Cases of Grape Juice. Default decree of condemnation and destruction. (F. & D. No. 24941. I. S. No. 2361. S. No. 3292.)

Sample bottles of grape juice from the herein described interstate shipment having been found short of the volume declared on the labels, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On August 5, 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 4½ cases of grape juice, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Burdett Fruit Products Corporation from Burdett, N. Y., on or about June 20, 1930, and had been transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Seneca Lake Brand—Unfermented Grape Juice—Contents 1 pint—Distributed by Burdett Fruit Products Corp. Burdett, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the labeling, "Contents 1 pint," 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 made was not correct.

On October 2, 1930, no claimant having appeared for the property, judgment of condemnation 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.*

17708. Adulteration of butter. U. S. v. 9 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25444. I. S. No. 3550. S. No. 3545.)

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 Eastern District of Pennsylvania.

On October 27, 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 9 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Elbow Lake Cooperative Creamery Association, Elbow Lake, Minn., alleging that the article had been shipped from Elbow Lake, Minn., on or about October 23, 1930, and had been transported from the State of Minnesota into the State of Pennsylvania, 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 by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat.

On November 6, 1930, William Lippincott & Co., Philadelphia, Pa., 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 \$500, conditioned that it be made to comply with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*