

Louisville, Ky., consigned about November 10, 1930, alleging that the article had been shipped by H. W. Rockwell (Socwell) & Sons, Maurice River, N. J., and transported from the State of New Jersey into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cans were labeled in part: "Min. Vol. 1 Gal."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "1 Gal.," 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 failed to bear a plain and conspicuous statement of the quantity of the contents, since the quantity stated on the label was not correct.

On or about December 1, 1930, the Booth Fisheries Co., Louisville, Ky., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to a charitable institution, and that claimant pay costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17888. Adulteration of butter. U. S. v. 18 Tubs of Butter. Product released under bond to be reworked. (F. & D. No. 25281. I. S. No. 6293. S. No. 3535.)

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 District of Minnesota.

On October 14, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 18 tubs of butter at Duluth, Minn., alleging that the article had been shipped by the Drake Cooperative Creamery Co., from Drake, N. Dak., on or about October 6, 1930, and transported from the State of North Dakota into the State of Minnesota, 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 as provided by the act of Congress of March 4, 1923.

On January 6, 1931, the Land O'Lakes Creameries (Inc.), Duluth, Minn., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the property, a decree was entered ordering 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 reworked under the supervision of this department, and should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17889. Adulteration of butter. U. S. v. A-G Creamery Co. Plea of guilty. Fine, \$25. (F. & D. No. 25031. I. S. No. 030638.)

Samples of butter from the herein-described 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 Western District of Wisconsin.

On August 25, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the A-G Creamery Co., a corporation, Arcadia, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about March 24, 1930, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

On October 4, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*