

On February 7, February 17, and March 16, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as were found by this department to be fit for human consumption to various charitable institutions, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18142. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Salt Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26375. I. S. No. 29310. S. No. 4420.)**

Samples of butter from the shipment herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of salt butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Southern Dairies (Inc.), Knoxville, Tenn., on or about March 8, 1931, and had been transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salt Butter."

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.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was labeled "Butter," which was false and misleading and deceived and misled the purchaser.

On March 27, 1931, Alex Grossman & Co. (Inc.), New York, N. Y., having appeared as claimant for the property as agent for the Southern Dairies (Inc.), Washington, D. C., owner, and said claimant having filed a stipulation admitting the allegations of the libel and consenting to the entry of a decree, and also having agreed to recondition the product so that it contain at least 80 per cent of milk fat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked and reprocessed so that it should comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18143. Adulteration of scallops. U. S. v. 6 Gallons, et al., of Scallops. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. & D. Nos. 26372, 26373, 26380. I. S. Nos. 20324, 29212, 29213. S. Nos. 4496, 4498, 4499.)**

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 13 and March 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 boxes, containing seventy-seven 1-gallon cans, and 6 gallons of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article has been shipped by R. R. Barbour, Morehead City, N. C., in part on or about March 10, 1931, and in part on or about March 15, 1931, and had been transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On April 7, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the United States marshal deliver such portions of the product as might be found by this department to be fit for human consumption to charitable institutions, and that any unfit portions be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*