

On January 29, 1932, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and subject to condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19242. Adulteration and misbranding of butter. U. S. v. Sullivan's Creamery Co. (Inc.). Plea of guilty. Fine, \$75. (F. & D. No. 26542. I. S. Nos. 1131, 1142, 2145.)

Examination of samples of butter taken from the three shipments covered by this action showed that the product in one of the consignments was low in milk fat, one consignment was short weight, and one consignment was low in milk fat and also short weight.

On June 19, 1931, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Sullivan's Creamery Co. (Inc.), a corporation, Lewiston, Idaho, alleging shipment by said company, in violation of the food and drugs act, in various consignments on or about November 15, 1930, January 9, 1931, and January 19, 1931, from the State of Idaho into the State of Washington, of quantities of butter a portion of which was adulterated and the remainder of which was misbranded. The article was labeled in part: "Perfection Brand Creamery Butter Idaho State Creamery Butter 16 oz. Net Sullivan's Creamery Co. Manufacturers, Lewiston, Idaho."

Adulteration was alleged in the information with respect to a portion of the article, shipped November 15, 1930, for the reason that a product 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 March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to the product involved in the remaining two shipments for the reason that the statements "Butter," and "16 oz. Net," borne on the packages containing the product shipped January 9, 1931, and the statement, "16 oz. Net," borne on the packages containing the product shipped January 19, 1931, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the article in the former shipment was butter, a product containing not less than 80 per cent by weight of milk fat, and that the packages in both shipments contained 16 ounces net; whereas the product shipped January 9, 1931 contained less than 80 per cent of milk fat, and the packages involved in both of the said shipments contained less than 16 ounces net of the said article.

On November 12, 1931, the defendant company having withdrawn its answer to the counts of the information covering the above charges, a plea of guilty was entered to the said counts and the court imposed a fine of \$75. The Government dismissed the remaining counts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19243. Misbranding of tomato juice. U. S. v. 20½ Cases of Tomato Juice. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 27313. I. S. No. 42519. S. No. 5483.)

Examination of samples of tomato juice from the shipment herein described having shown that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On December 5, 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 20½ cases of tomato juice at Syracuse, N. Y., alleging that the article had been shipped by Edgar F. Hurff, from Swedesboro, N. J., on or about August 18, 1931, and had been transported in interstate commerce from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hurff Brand Tomato Juice * * * Contents 13 Fluid Ozs. * * * Tomato Juice Cocktail To This 13 Oz. Tin Tomato Juice add * * * Packed by Edgar F. Hurff, Swedesboro, New Jersey."

It was alleged in the libel that the article was misbranded in that the statements, "Contents 13 Fluid Ozs. * * * This 13 Oz. Tin," were false and