

false and misleading and were intended to deceive and mislead the purchaser. Misbranding was alleged with respect to the said spaghetti for the further reason that the quantity of the contents was not plainly and specifically marked on the outside of the package.

On April 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12312. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product reprocessed and released upon payment of costs. (F. & D. No. 18509. I. S. No. 17697-v. S. No. C-4318.)

On or about March 24, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Heron Lake Creamery Co. from Heron Lake, Minn., March 12, 1924, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On May 7, 1924, J. H. Hoar and Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and the product having been theretofore reprocessed, so as to remove the excess water and to raise the percentage of butterfat so that it was not in violation of the act, 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 the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12313. Misbranding of butter. U. S. v. 14 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18380. I. S. No. 7292-v. S. No. C-4284.)

On or about February 12, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of butter at Birmingham, Ala., alleging that the article had been shipped by the Macon Creamery Co., from Macon, Miss., on or about February 7, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "White Pearl Brand Creamery * * * Butter Made In Noxubee Co. By Macon Creamery Co. Macon, Miss. * * * One Pound Net Weight When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the cartons containing the said article, "One Pound Net Weight," 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.

On March 21, 1924, the Macon Creamery Co., Macon, Miss., claimant, having admitted the allegations of the libel and 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 payment of the cost of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that the article be not resold until it had been passed upon by a representative of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*