

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

On August 2, 1924, Cromer and Cossitt, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having 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 costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12628. Misbranding and adulteration of food sweetener. U. S. v. 10-Pound Can of Food Sweetener. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 13672. I. S. No. 10255-t. S. No. W-767.)

On September 9, 1920, the United States attorney for the District of Utah, 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 one 10-pound can of food sweetener, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about July 15, 1920, and transported from the State of Missouri into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Concentrated Sweetener * * * W. B. Wood Mfg. Co. 10 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that starch and saccharin had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, saccharin, which rendered it injurious to health.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the label was false and misleading.

On February 9, 1924, the case having come on for trial before the court and no one appearing for the claimant, after the submission of evidence, a decree of the court was entered, finding the product to be misbranded and ordering its condemnation, forfeiture, and destruction.

HOWARD M. GORE, *Secretary of Agriculture.*

12629. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18930. I. S. No. 19028-v. S. No. C-4463.)

On August 16, 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 10 boxes, each containing 30 one-pound prints of butter, at Chicago, Ill., alleging that the article had been shipped by the D. E. Wood Butter Co., from Evansville, Wis., August 11, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Monogram Brand Elgin Quality Creamery Butter. The D. E. Wood Butter Co., Evansville, Wis. One Pound."

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

Misbranding was alleged for the reason that the prints were labeled, "One Pound," which statement was false and misleading and deceived and misled the purchaser in that the said prints weighed less than one pound.

On August 23, 1924, the D. E. Wood Butter Co., Evansville, Wis., claimant, having admitted the allegations of the libel and having 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 costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reprocessed, under the supervision of this department, to bring it up to not less than 80 per cent of milk fat.

HOWARD M. GORE, *Secretary of Agriculture.*

12630. Adulteration and alleged misbranding of caviar. U. S. v. 6 Cases, et al., of Caviar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18911. I. S. Nos. 20405-v, 20406-v, 20407-v. S. No. W-1551.)

On August 19, 1924, the United States attorney for the Northern District of California, 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 6 cases, each containing 6 dozen cans and 5½ dozen cans 1½-ounce size, 84 cans 3-ounce size, and 45 cans 6-ounce size, of caviar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Wm. Haaker Co., from New York, N. Y., in part October 10, 1923, and in part April 17, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Prime Dittmann Caviar Packed at New York By Wm. Haaker Co."

Adulteration of the article was alleged in the libel for the reason that a substance, roe other than that of sturgeon, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Prime Caviar," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On September 10, 1924, Schumacher Bros., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product to be adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12631. Adulteration and misbranding of butter. U. S. v. 116 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released to claimant to be reworked upon execution of bond or deposit of collateral. (F. & D. No. 18904. I. S. No. 19018-v. S. No. E-3938.)

On August 13, 1924, the United States attorney for the Southern District of New York, 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 116 tubs of butter, consigned by Golden Valley Creamery, Golden Valley, N. D., remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Golden Valley, N. D., on or about July 29, 1924, and transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs acts as amended.

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

Misbranding was alleged for the 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.