

said article, and for the further reason that it was colored in a manner which concealed its inferiority.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Prepared Mustard 8 Ounces Net Importers and Manufacturers Meyer & Carmody Import Co., Inc. N. Y.," was false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On October 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12729. Adulteration and misbranding of flour. U. S. v. 500 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18390. I. S. No. 7481-v. S. No. C-4287.)

On February 15, 1924, the United States attorney for the Eastern District of Louisiana, 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 500 sacks of flour, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Acme Milling Co., from Oklahoma City, Okla., on or about January 12, 1924, and transported from the State of Oklahoma into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Acme Milling Company Oklahoma City, Okla., * * * Bleached 98 Lbs Acme."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement in the labeling, "98 Lbs," was false and misleading and deceived and misled the purchaser, and 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 26, 1924, the H. Weil Baking Co., New Orleans, La., having appeared as claimant for the property 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be repacked, the weight correctly stated, and the moisture content reduced to the standard permitted.

HOWARD M. GORE, *Secretary of Agriculture.*

12730. Misbranding of butter. U. S. v. 160 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17725. I. S. No. 7111-v. S. No. C-4105.)

On August 16, 1923, the United States attorney for the Eastern District of Louisiana, 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 160 cases of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by Swift & Co., from Enid, Okla., August 6, 1923, and transported from the State of Oklahoma into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Brookfield Creamery Butter 1 Lb. Net Weight Swift & Company, Distributor"; (case) "32 Lbs. Brookfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statements on the respective labels, "32 Lbs." and "1 Lb. Net Weight." were 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 thereof.

On September 29, 1923, Swift & Co., claimant, 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 \$1,800, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12731. Misbranding of butter. U. S. v. 50 Cases and 20 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18391, 18396. I. S. Nos. 7489-v, 7491-v. S. Nos. C-4288, C-4290.)

On February 19, 1924, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 50 cases and 20 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Texas Creamery Co., from Houston, Texas, in two consignments, namely, on or about February 7 and 8, 1924, respectively, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. One consignment was labeled in part: (Tub) "32 Lb. Net Sweet Clover." The other consignment was labeled in part: (Carton) "Extra Fancy Morning Glory Creamery Butter Texas Creamery Co., Houston, Tex. One Pound Net."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 5 tubs was 30.9 pounds and that the average net weight of 200 cartons was 15.67 ounces.

Misbranding of the article was alleged in the libels for the reason that the statements appearing in the respective labels, "32 Lb. Net" or "One Pound Net," as the case might be, were 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 packages.

On April 23, 1924, the Morning Glory Creamery Co., New Orleans, La., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$150, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12732. Misbranding and alleged adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18397. I. S. No. 7488-v. S. No. C-4289.)

On February 19, 1924, the United States attorney for the Eastern District of Louisiana, 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 20 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Texas Creamery Co., from Houston, Texas, on or about February 7, 1924, and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "32 Lb Net Morning Glory Salted Butter."

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

Misbranding was alleged for the reason that the designation "Butter" was false and misleading and deceived and misled the purchaser.

On April 23, 1924, the Morning Glory Creamery Co., New Orleans, La., 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 misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that it be released to the said claimant upon