

alleged 5-pound boxes was 4 pounds 10.6 ounces and that the average net weight of 12 of the alleged 2½-pound boxes was 2 pounds 5.6 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "5 Pounds Net Weight" and "2½ Lbs. Net Weight," borne on the respective sized boxes containing the said article, were false and misleading in that the said statements represented that the boxes contained 5 pounds, or 2½ pounds, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the boxes contained 5 pounds, or 2½ pounds, as the case might be, of the article, whereas, in truth and in fact, the said boxes contained less than the amounts declared on the respective boxes. 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 October 3, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12762. Misbranding of butter. U. S. v. 75 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18714. I. S. No. 18249-v. S. No. C-4407.)

On May 31, 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 75 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Western Creamery Co., from Kansas City, Mo., on or about May 21, 1924, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print) "Net Weight One Pound."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight One Pound," borne on the prints, 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 June 14, 1924, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12763. Misbranding of butter. U. S. v. 29 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18785. I. S. No. 18254-v. S. No. C-4411.)

On June 14, 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 29 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Meridian Creamery Co., from Meridian, Miss., on or about May 30, 1924, and transported from the State of Mississippi 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) "1 lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "1 lb. Net Weight," borne on the cartons containing the article, 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 June 26, 1924, Southern Creameries (Inc.), Meridian, Miss, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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.

HOWARD M. GORE, *Secretary of Agriculture.*