

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 20, 1924, the Superior Fisheries Co., 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 the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13147. Adulteration of canned cut green beans. U. S. v. 330 Cases of Canned Cut Green Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18929. I. S. No. 18880-v. S. No. C-4036.)

On or about August 28, 1924, the United States attorney for the Eastern District of Wisconsin, 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 330 cases of canned cut green beans, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by John H. Leslie Co., from Chicago, Ill., on or about March 15, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Asper Brand Cut Green Stringless Beans * * * Aspers Fruit Products Co., Aspers, Pa."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On January 28, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13148. Misbranding of butter. U. S. v. 16 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19864. I. S. No. 16295-v. S. No. E-5145.)

On February 21, 1925, the United States attorney for the Northern District of Georgia, 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 16 cases of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by Armour Creameries, from Louisville, Ky., on or about January 21, 1925, and transported from the State of Kentucky into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "32 Lbs. Net. 32," (carton) "1 Pound Net Weight Greenfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight," borne on the cartons containing the article, and the statement "32 Lbs. Net Weight," borne on the cases, were false and misleading and deceived and misled the purchaser into the belief that each of the said cartons contained 1 pound net of butter and that each of said cases contained 32 pounds net of butter, whereas, in truth and in fact, the said cartons contained less than 1 pound of butter, and the said cases contained less than 32 pounds of butter. Misbranding was alleged for the further reason that the article was food in package form and the contents of the packages were not plainly and conspicuously marked on the outside thereof.

On February 27, 1925, Morris & Co. having appeared as claimant for the property, 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 \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled to show the correct weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*