

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 February 19, 1925, the H. J. McGrath Co., Baltimore, Md., 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 \$6,000, in conformity with section 10 of the act, conditioned in part that the cans be relabeled to show the exact weight of the contents thereof.

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

13257. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19802. I. S. No. 16315-v. S. No. E-5133.)

On or about February 6, 1925, the United States attorney for the Southern 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 30 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Beatrice Creamery Co., from Topeka, Kans., January 17, 1925, and transported from the State of Kansas into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that it represented that the article consisted wholly of butter, for the further reason that it was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas the said article did not consist wholly of butter but did consist of a product deficient in milk fat and containing excessive moisture, and it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On February 25, 1925, the Beatrice Creamery Co., Topeka, Kans., claimant, having admitted the material 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reworked and relabeled so that it meet the requirements of the law.

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

13258. Misbranding of butter. U. S. v. 50 Cases of Butter. Decree entered, ordering product released under bond. (F. & D. No. 19830. I. S. No. 16292-v. S. No. E-5141.)

On February 10, 1925, the United States attorney for the Southern 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 50 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., January 27, 1925, and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight Distributed by Swift & Company, U. S. A. Quarters."

Misbranding of the article was alleged in the libel for the reason that the net weight statement "1 Lb. Net Weight" was not correct, and for the further