

13643. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20303. I. S. No. 7081-x. S. No. E-5434.)

On July 18, 1925, 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 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Western Ohio Creamery Co., Greenville, Ohio, on or about July 10, 1925, and transported from the State of Ohio into the State of New York, 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 substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 28, 1925, the Western Ohio Creamery Co., Greenville, Ohio, 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 \$400, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

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

13644. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20276. I. S. No. 7078-x. S. No. E-5425.)

On July 10, 1925, 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 7 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Watson Cooperative Creamery Co., Watson, Minn., on or about July 1, 1925, and transported from the State of Minnesota into the State of New York, 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 substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 20, 1925, the Minnesota Co-Operative Creameries Assoc., Inc., 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 \$250, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

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

13645. Adulteration and misbranding of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20269. I. S. No. 6802-x. S. No. E-5426.)

On July 10, 1925, 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 34 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the South Branch Creamery Co., from St. James, Minn., on or about July 1, 1925, and transported from the State of Minnesota into the State of New

York, 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 substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 20, 1925, the South Branch Creamery Co., St. James, Minn., 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 reworked so as to contain at least 80 per cent of butterfat.

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

13646. Adulteration and misbranding of canned salmon. U. S. v. Carlisle Packing Co. Plea of guilty. Fine, \$100. (F. & D. No. 19345. I. S. Nos. 12510-v, 12602-v, 15027-v.)

On March 30, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Carlisle Packing Co., Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 29, 1923, from the State of Washington into the State of Maryland, of quantities of salmon which was adulterated and misbranded. The article was labeled in part: (Can) "Rose Brand Salmon * * * Chum Distributed By Carlisle Packing Co. Seattle, Wash. U. S. A."

Examination by the Bureau of Chemistry of this department of a sample of 239 cans showed that 60 cans or 25.1 per cent contained decomposed salmon, and it was pink salmon instead of chum salmon as labeled.

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

Misbranding was alleged for the reason that the statement, to wit, "Rose Brand Chum Salmon," borne on the labels, was false and misleading, in that the said statement represented that the article was chum salmon, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was chum salmon, whereas it was not chum salmon but was pink salmon. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, chum salmon.

On April 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

13647. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20212. I. S. No. 24935-v, S. No. E-5396.)

On June 29, 1925, 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 5 tubs of butter, at New York, N. Y., alleging that the article had been shipped by Frank Brunner, Colwell, Iowa, on or about June 15, 1925, and transported from the State of Iowa into the State of New York, 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 substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 22, 1925, Frank Brunner, Colwell, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judg-