

3729. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16915. I. S. No. 2081-v. S. No. E-4217.)

On November 9, 1922, the United States attorney for the Western 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 13 boxes of butter, at Buffalo, N. Y., alleging that the article had been shipped by the Sanilac County Creamery Co., Brown City, Mich., on or about October 23, 1922, and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "1 Lb. Net Weight This butter is made from pure cream."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been wholly or in part abstracted.

Misbranding was alleged in substance for the reason that the statement "1 lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser, in that the said article was short weight, and 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.

On November 21, 1922, the Sanilac County Creamery Co., Brown City, Mich., 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, the decree further providing that the product be reworked under the supervision of this department and its subsequent sale be subject to the approval of this department.

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

3730. Adulteration of canned salmon. U. S. v. 330 Cases of Pink Salmon and 46 Cases of Chum Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19067. I. S. No. 6258-v. S. No. C-3020.)

On October 17, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and thereafter an amended libel praying the seizure and condemnation of 330 cases of pink salmon and 46 cases of chum salmon, at Dallas, Tex., alleging that the article had been shipped by the Carlisle Packing Co., Seattle, Wash., on or about September 4, 1924 (1923), and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Heron Brand Pink Salmon" (or "Rose Brand Chum Salmon") "Distributed By Carlisle Packing Co. Seattle, Wash."

It was alleged in substance in the libel that the article was decomposed and adulterated in violation of section 7, paragraph 6, of the said act.

On May 8, 1925, the Carlisle Packing Co., Seattle, Wash., 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 \$376, conditioned in part that the unadulterated portion be separated from the adulterated portion under the supervision of this department, and that it not be sold or otherwise disposed of contrary to law.

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

3731. Misbranding and alleged adulteration of butter. U. S. v. 125 Tubs and 245 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18142. I. S. Nos. 2326-v, 2327-v. S. No. E-4632.)

On December 7, 1923, the United States attorney for the Western 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 libels praying the seizure and condemnation of 370 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the J. A. Long Co., Union City, Ind.,