

unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Lakeview Creamery Co., from Lakeview, Oreg., July 22, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Lakeview Creamery, Lakeview, Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

On August 18, 1925, the Lakeview Creamery Co., Lakeview, Oreg., 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 \$175, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of and to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13753. Adulteration and misbranding of butter. U. S. v. 48 Cases of Butter. Product ordered released under bond. (F. & D. No. 20379. I. S. Nos. 6424-x, 6425-x. S. No. E-5379.)

On August 3, 1925, the United States attorney for the Southern District of Florida, 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 48 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., July 27, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the 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, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On August 14, 1925, T. J. Fenn, Valdosta, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,150, in conformity with section 10 of the act, conditioned in part that it be reworked so as to comply with the law and that the packages be relabeled to show the true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13754. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20265. I. S. No. 6026-x. S. No. E-5369.)

On July 8, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 6 tubs of butter, labeled in part: "From Rowan Creamery Co. Salisbury, N. C.," remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Salisbury, N. C., on or about July 1, 1925, and transported from the State of North Carolina into the State of Pennsylvania, 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, excessive water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

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

On July 15, 1925, Edson Bros., Philadelphia, Pa., 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, and that the said product be reconditioned in accordance with the ruling of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13755. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 27 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20308, 20309. I. S. Nos. 6805-x, 6887-x. S. Nos. E-5437, E-5438.)

On July 20, 1925, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 37 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Whelan Produce Co., Elma, Iowa, on or about July 9, 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 libels 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 August 11, 1925, the Elma Cooperative Creamery Co., Elma, Iowa, and Jacob Narzisenfeld, New York, N. Y., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,200, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13756. Adulteration of tomato puree. U. S. v. 14 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19513. I. S. No. 15512-v. S. No. E-5106.)

On January 19, 1925, the United States attorney for the Western District of Pennsylvania, 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 14 cases of tomato puree, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Wm. Silver & Co., Inc., from Broadkill, Del., November 6, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Bell Brand Puree Tomato * * * Wm. Silver & Co., Inc. Aberdeen, Md."

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

On August 27, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13757. Misbranding and alleged adulteration of evaporated apples. U. S. v. 40 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19881. I. S. No. 13595-v. S. No. E-5162.)

On March 11, 1925, the United States attorney for the District of Connecticut, 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 40 cases of evaporated apples, remaining in the original unbroken pack-