

payment of the costs of the proceedings and the execution of a bond in the sum of \$400, conditioned in part that it be brought into conformity with the law under the supervision of this department.

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

14136. Adulteration of butter. U. S. v. 14 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20166. I. S. No. 20130-v. S. No. W-1732.)

On June 18, 1925, the United States attorney for the Northern District of California, 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 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Bradner Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., June 11, 1925, and transported from the State of Washington into the State of California, and charging adulteration 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 substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On June 30, 1925, the Fred L. Hilmer Co., San Francisco, Calif., 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 \$500, conditioned in part that it be brought into conformity with the law under the supervision of this department.

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

14137. Adulteration of butter. U. S. v. 48 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20238. I. S. No. 20134-v. S. No. W-1738.)

On June 20, 1925, the United States attorney for the Northern District of California, 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 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Henningson Produce Co., from Three Forks, Mont., June 12, 1925, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act. The said cubes were rubber stamped "Bozeman, Mont., Bozeman Cry. Co."

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

On July 2, 1925, the Bozeman Creamery Co., Bozeman, Mont., 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 \$2,750, in conformity with section 10 of the act.

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

14138. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$100. (F. & D. No. 19694. I. S. No. 23452-v.)

On November 28, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Portland, Oreg., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 29, 1925, from the State of Oregon into the State of Washington, of a quantity of butter in tins which was misbranded. The tins were labeled in part: "Brookfield Creamery Butter 2 Lbs. Net Weight Swift & Company, U. S. A."

Examination by the Bureau of Chemistry of this department of 126 tins of the article showed an average net weight of 1 pound 14.9 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "2 Lbs. Net Weight," borne on the labels of the tins containing the said article, was false and misleading, in that the said statement represented that the tins each contained 2 pounds of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said tins each contained 2 pounds of butter, whereas each of a number of said tins contained less than 2 pounds of butter. Misbranding was alleged 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 January 22, 1926, 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.*

14139. Adulteration of minced clams. U. S. v. Cordova Packing Co. Plea of guilty. Fine, \$150. (F. & D. No. 19629. I. S. Nos. 7764-v, 20697-v, 20698-v.)

On May 8, 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 Cordova Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about July 16 and 22 and August 7, 1924, from the Territory of Alaska into the State of Washington, of quantities of minced clams which were adulterated.

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. Adulteration was alleged with respect to one shipment of the product for the further reason that excessive liquid had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for minced clams, which the said article purported to be.

On September 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

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

14140. Misbranding of jam. U. S. v. Everett Fruit Products Co. Plea of guilty. Fine, \$10. (F. & D. No. 19728. I. S. Nos. 1-x to 9-x, incl.)

On February 13, 1926, 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 Everett Fruit Products Co., a corporation, Everett, Wash., alleging shipment by said company, in violation of the food and drugs act as amended, on or about April 29, 1925, from the State of Washington into the State of California, of a quantity of jam which was misbranded. The article was labeled in part: (Jar) "Everett Compound * * * Jam * * * Everett Fruit Products Co. Everett, Wash. 15 Ozs."

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "15 Ozs." borne on the label attached to the jars containing the article, was false and misleading, in that the said statement represented that the jars each contained 15 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the jars each contained 15 ounces of the article, whereas the said jars did not each contain 15 ounces of the said article but did contain in each of a number of said jars less than 15 ounces. Misbranding was alleged 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, in that the jars contained less than represented on the label.

On March 4, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

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