

condemnation of 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by West's Plentywood Creamery Co., Inc., from Plentywood, Mont., June 19, 1928, and had been transported from the State of Montana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that it contained less than 80 per cent of butter fat.

On August 2, 1928, the Peter Fox Sons Co., Chicago, Ill., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15993. Adulteration and misbranding of butter. U. S. v. 50 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22981. I. S. No. 0851. S. No. 975.)

On or about July 12, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at New Orleans, alleging that the article had been shipped by the Yalobusha Cooperative Creamery Co., Water Valley, Miss., on or about July 3, 1928, and had been transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Lexington Creamery Butter Manufactured by Lexington Co-Operative Creamery, Lexington, Mississippi. One Pound Net."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly 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 31, 1928, the Ackerman Creamery Co., Ackerman, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked and reconditioned in compliance with the law, and should not be sold or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15994. Misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23131. I. S. No. 0831. S. No. 1170.)

On or about August 27, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of butter at New Orleans, La., alleging that the article had been shipped by the Beatrice Creamery Co., Topeka, Kans., on or about August 14, 1928, and transported from the State of Kansas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pasteurized Meadow Gold * * * Contents 1 Lb. Net Butter * * * Beatrice Creamery Company, General Office, Chicago, Ill."

It was alleged in the libel that the article was misbranded in that the statement, "Contents One Pound Net Butter," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and