

Misbranding was alleged for the 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 15, 1930, Marshall Kirby & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product might be sorted by the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000. The conditions of the said bond were that the product remain at the place of seizure, the good portion separated from the bad portion and the former marked with a statement of the net weight, and that the entire lot be retained for inspection by this department. It was further ordered by the court that the portion not passed by this department as in compliance with the law, or the entire lot in the event of failure to make proper separation, be condemned and destroyed by the United States marshal.

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

16905. Adulteration and alleged misbranding of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23945. I. S. No. 010220. S. No. 2171.)

On July 26, 1929, the United States attorney for the Northern District of Illinois, 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 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Welton Creamery Co., from Delmar, Iowa, July 17, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, 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 butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article; and in that the article did not comply with the standard established by Congress.

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

On August 16, 1929, 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 was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

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

16906. Adulteration and alleged misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24010. I. S. No. 09246. S. No. 2142.)

On July 22, 1929, the United States attorney for the Northern District of Illinois, 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 21 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Crystal Creamery Co., from New Albion, Iowa, July 10, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, 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 butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article; and in that the article did not comply with the standard established by Congress.

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