

condemnation of 50 bags of walnuts at Chicago, Ill., alleging that the article had been shipped by the Wolinsky Brokerage Co., from Los Angeles, Calif., November 11, 1929, and transported from the State of California 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 it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On February 27, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17141. Adulteration and misbranding of butter. U. S. v. 87 Cases, et al., of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24628. I. S. Nos. 026932, 026933. S. No. 2818.)

On or about January 16, 1930, 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 94 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., Montgomery, Ala., in part on or about November 26, 1929, and in part on or about December 4, 1929, and transported from the State of Alabama into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Belle Monte Butter * * * Belle Meade Butter Co., Montgomery, Ala. Full Weight One Pound."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that a product containing 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 Congress of May (March) 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Full Weight One Pound," borne on the label, was false and misleading and deceived and misled the purchaser, and 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, since the quantity stated was not correct.

On February 19, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17142. Adulteration and misbranding of canned tuna fish. U. S. v. 85 Cases and 5 cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24425. I. S. Nos. 019210, 019211. S. No. 2687.)

On January 8, 1930, 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 a libel praying seizure and condemnation of 85 cases containing 7-ounce cans, and 5 cases containing 13-ounce cans, of tuna fish, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Cohn Hopkins (Inc.), San Diego, Calif., on or about December 23, 1929, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "California Flakes Salad Tuna Packed by Cohn-Hopkins, Inc., * * * San Diego, Calif., Contents 7 Oz." (or "Contents 13 Oz.").

Adulteration was alleged with respect to the 5 cases of the product, labeled "Contents 13 Oz.," for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Contents 7 Oz." or "Contents 13 Oz.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.