

per cent by weight of milk fat had been substituted wholly or in part 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 article was offered for sale under the distinctive name of another article, to wit, butter. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not, but did consist of a product containing less than 80 per cent by weight of milk fat.

On March 28, 1930, the Cudahy Packing Co., Savannah, Ga., claimant, filed an answer admitting the material allegations of the libel, stating that no opposition would be offered to the condemnation of the butter, alleging that the defect therein were the fault of the creamery company, and praying release of the product upon payment of costs and the execution of a good and sufficient bond, conditioned that it would not be sold or disposed of contrary to law. Upon approval of the said bond the court ordered the product released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17408. Adulteration of oranges. U. S. v. 40 Boxes of Oranges. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24673. I. S. No. 041309. S. No. 2923.)

On or about February 19, 1930, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 40 boxes of oranges, remaining in the original unbroken packages at St. Joseph, Mo., alleging that the article had been shipped by J. C. Bauer from Alamo, Tex., on or about January 31, 1930, and transported from the State of Texas into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Richfield Brand Grapefruit, The R. B. Dublin Co., McAllen, Texas;" (tissue wrapper) "Sum Pak Lower Rio Grande Valley Grapefruit, Alamo, Texas;" and "Valley of Sweet Grown in Lower Rio Grande Valley in Texas."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On March 4, 1930, the Hunt Bros. Fruit Co., St. Joseph, Mo., having appeared and having admitted the allegations in the libel and consented to the entry of judgment of condemnation and forfeiture, a decree was entered finding that the product was adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17409. Adulteration of grapefruit. U. S. v. 402 Cases of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24841. I. S. No. 012968. S. No. 3021.)

On February 26, 1930, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 402 cases of grapefruit, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by O. S. Perkins from Mission, Tex., on or about February 17, 1930, and transported from the State of Texas into the State of Kansas, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it was composed of filthy and decomposed vegetable matter.

On March 4, 1930, B. D. Cook & Co., Wichita, Kans., 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