

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

Courtney L. Poole, New York, N. Y., entered an appearance and claim for the property as agent for E. C. Capper, Brighton, Iowa, and admitted the allegations of the libel, consented to the entry of a decree, and agreed to recondition the product so that it contain at least 80 per cent of butterfat. On August 15, 1930, 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 \$200, or the deposit of cash collateral in like amount, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17668. Misbranding of butter. U. S. v. 5 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25050. I. S. No. 6308. S. No. 3302.)**

Samples of butter from the herein described interstate shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about July 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 cases, each containing 32 cartons of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., West Point, Miss., on or about July 8, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Swift's Premium Quality Brookfield Pasteurized Creamery Butter Quarters, 1 lb. Net Weight Distributed by Swift & Company \* \* \* Chicago."

It was alleged in the libel that the article was misbranded in that the statement "1 lb. Net Weight," borne on the label, was 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On August 22, 1930, Swift & Co. (Ltd.), New Orleans, La., 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 \$130, conditioned in part that it be made to comply with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17669. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25049. I. S. No. 6315. S. No. 3301.)**

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about July 18, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Swift & Co., from Enid, Okla., on or about June 25, 1930, and had been transported from the State of Oklahoma into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Brookfield Creamery Butter."

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 article purported to be, and for the further reason 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 March 4, 1923, which the article purported to be.

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

On August 22, 1930, Swift & Co. (Ltd.), New Orleans, La., 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 \$750, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17670. Adulteration of butter. U. S. v. 8 Tubs of Butter. Product ordered released under bond.** (F. & D. No. 22896. I. S. No. 25697-x. S. No. 939.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent by weight of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On June 25, 1928, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Bryant Creamery Co., from Bryant, S. Dak., on June 9, 1928, and had been transported from the State of South Dakota into the State of Minnesota, 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 deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted wholly or in part for the said article.

On July 9, 1928, the Minnesota Creamery Co., St. Paul, Minn., having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17671. Misbranding of wheat bran and wheat middlings. U. S. v. 100 Bags of Wheat Bran, et al. Decree of condemnation. Product released under bond.** (F. & D. No. 24236. I. S. Nos. 024931, 024932. S. No. 2477.)

Sample sacks of wheat bran and wheat middlings from the herein described interstate shipment having been found to contain less than 100 pounds, the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On November 14, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 bags of wheat bran and 300 bags of wheat middlings at Duluth, Minn., alleging that the articles had been shipped by the Rugby Milling Co., from Rugby, N. Dak., on October 23, 1929, and had been transported from the State of North Dakota into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: "100 Pounds Net when Packed Pure Wheat Bran, Rugby Milling Co. Rugby, North Dakota;" and "100 Pounds Net when Packed Rich Standard Middlings with Mill Scourings, Rugby Milling Co. Rugby, North Dakota."

It was alleged in the libel that the articles were misbranded in that the statement on the label, "100 Pounds Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On July 11, 1930, the Rugby Milling Co., Rugby, N. Dak., having appeared as claimant for the property, judgment of condemnation 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 \$1,500, conditioned in part that it be resacked, under the supervision of this department, to bring it up to the proper weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*