

It was alleged in the libel that the article was misbranded in that the statement "0.98 of Half Gallon or 3 $\frac{3}{4}$ Lbs. Net" was false and misleading and deceived and misled the purchaser, since the amount stated was not correct. 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.

On October 1, 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.*

17748. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25269. I. S. No. 7554. S. No. 3460.)

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 Northern District of Illinois.

On or about August 29, 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 6 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Almond Creamery Co., Almond, Wis., July 29, 1930, and had been transported from the State of Wisconsin 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 deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 per cent of milk fat.

On September 24, 1930, 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 for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17749. Adulteration of canned salmon. U. S. v. 830 Cases of Salmon. Decree of condemnation entered. Product released under bond. (F. & D. No. 25184. I. S. No. 1090. S. No. 3450.)

Samples of canned salmon from the herein described shipment having been found to contain tainted and stale fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On October 6, 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 830 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Wrangell Narrows Packing Co., from Scow Bay, Alaska, on or about August 20, 1930, and had been transported from Alaska into the State of Washington, 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 whole or in part of a decomposed animal substance.

On October 10, 1930, the West Sales (Inc.), Seattle, Wash., claimant, having admitted the allegations of the libel and having paid costs and executed a bond in the sum of \$1,000, conditioned in part that the product should not be sold or otherwise disposed of contrary to law, judgment of condemnation was entered, and it was ordered by the court that the said product be segregated and reconditioned under the supervision of this department, and the portion found fit for food released to the said claimant, and the unfit portion disposed of in accordance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*