

On July 7, 1930, the Westgate Sea Products Co., San Diego, Calif., 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 \$500, conditioned upon compliance with all orders and decrees of the court. It was further ordered by the court that the product be shipped to San Diego, Calif., and examined under the supervision of this department and the unfit portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18435. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24886. I. S. No. 027436. S. No. 3198.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On June 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 tubs of butter, remaining in the original unbroken packages at Worcester, Mass., consigned about June 3, 1930, alleging that the article had been shipped by the Peter Fox Sons Co., Chicago, Ill., and had been transported from the State of Illinois into the State of Massachusetts, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter should contain not less than 80 per cent by weight of milk fat.

On July 14, 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 to be reshipped to Chicago, Ill., and reprocessed under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18436. Adulteration and misbranding of butter. U. S. v. Armour & Co., of Delaware (Armour Creameries). Tried to the court and a jury. Verdict of guilty. Fine, \$300. (F. & D. No. 25013. I. S. No. 010324.)

Samples of butter from the shipment herein described having been found to be short weight and deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On June 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Armour & Co. of Delaware, a corporation, trading as Armour Creameries at Jackson, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 6, 1929, from the State of Mississippi into the State of Alabama, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "Armour's Clover-bloom * * * Butter * * * 1 Lb. Net Weight."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat, in that it contained 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 defined and required by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "1 Lb. Net Weight," borne on the carton, were false and misleading in that they represented that the article was butter, namely, a product containing not less than 80 per cent of milk fat, and that each of the said cartons contained 1 pound net thereof; and for the further reason that the article was labeled as aforesaid so as deceive and mislead the purchaser into the belief that it was butter, namely, a product containing not less than