

Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 cases of butter, remaining unsold at Paterson, N. J., alleging that the article had been transported in interstate commerce from the premises of the C. & P. Butter Printing Co., of New York, to the premises of M. Klahr & Co., Paterson, N. J., on or about January 13, 1931, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net Weight Valley Farm Print Butter, M. Klahr & Co., Distributors, Paterson, New Jersey."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net Weight," was false and misleading and deceived and mislead 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 statement, "One Pound Net Weight," was incorrect.

On January 27, 1931, the owner of the product having requested that a decree of condemnation be entered, and the defaults of all persons having been noted, 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.*

18559. Adulteration and misbranding of butter. U. S. v. 5 Cases, et al., of Butter. Default decree of forfeiture. Product distributed to charitable institutions. (F. & D. No. 25265. I. S. Nos. 6344, 6345. S. No. 3384.)

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

On or about August 11, 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 10 cases of butter, remaining in the original packages at Mobile, Ala., alleging that the article had been shipped by the Morning Glory Creameries, from Nashville, Tenn., on or about July 29, 1930, and had been transported from the State of Tennessee into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Morning Glory Butter, Morning Glory Creameries Houston, Memphis, New Orleans, Nashville." The remainder of the said article was labeled in part: "Sweet Clover Butter * * * Manufactured by Morning Glory Creameries."

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 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 May (March) 4, 1923.

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

On November 12, 1930, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be delivered to charitable institutions.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18560. Adulteration of canned prunes. U. S. v. 13 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26244. I. S. No. 27893. S. No. 4566.)

Samples of canned prunes from the shipment herein described having been found to be moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On April 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 cases of canned prunes, remaining in the original unbroken packages at Chester, Pa., consigned by Paulus Bros. Packing Co., Salem, Oreg., alleging that the article had been shipped from Salem, Oreg., on or about January 24, 1931, and had been transported from the State of Oregon into the State of Pennsylvania, and charging adulteration in violation of the food