

or about March 4, 1931, from the State of Virginia into the State of New York, of quantities of scallops that were adulterated.

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article 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 scallop solids, a valuable constituent of the article, had been in part abstracted.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19215. Adulteration of butter. U. S. v. 300 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond, to be reworked. (F. & D. No. 27116. I. S. Nos. 36429, 36430. S. No. 5178.)

Samples of butter from the shipments 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 Ohio.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 600 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, consigned in part on or about July 13, 1931, and in part on or about August 8, 1931, alleging that the article had been shipped by the Merchants Creamery Co., from Springfield, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Ohio, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libels 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. Adulteration was alleged for the further reason that the article contained less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On October 28, 1931, the Merchants Creamery Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees and the court having found that a total of 30 tubs of the product were adulterated, judgment was entered condemning and forfeiting the said 30 tubs, and it was ordered by the court that they be released for reworking under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,200, conditioned in part that they should not be sold or disposed of contrary to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19216. Misbranding of black pepper and mustard. U. S. v. 54 Dozen Cans of Black Pepper and 60 Dozen Cans of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26241, 26242. I. S. Nos. 22116, 22119. S. No. 4560.)

Samples of black pepper and mustard from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On April 14, 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 54 dozen cans of black pepper and 60 dozen cans of mustard, remaining in the original unbroken packages at Oakland, Calif., alleging that the articles had been shipped on or about January 8, 1931, by the W. T. Rawleigh Co., from Freeport, Ill., and had been transported in interstate commerce from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Cans of pepper) "Net Weight 3¼ Oz. Rawleigh's Pure Granulated Pepper * * * W. T. Rawleigh Co., Freeport, Ill.;" (cans of mustard) "Net Weight 3 Oz. Rawleigh's Pure Mustard."

It was alleged in the libel that the articles were misbranded in that the statements, "Net Weight, 3¼ Oz." on the cans containing the pepper, and "Net Weight 3 Oz." on the cans containing the mustard, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-