

On June 30, 1932, 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 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 disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20058. Adulteration and misbranding of butter. U.S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28477. Sample No. 3266-A.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On June 24, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 18, 1932, by the Hustler Farmers Creamery Co., from Hustler, Wis., to Chicago, Ill., 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 contained less than 80 percent 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 percent of milk fat.

On August 26, 1932, Hustler Farmers Creamery Co., Hustler, Wis., 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 \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20059. Adulteration of canned salmon. U.S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$500. (F. & D. No. 26668. I.S. Nos. 1098, 1188, 1189, 1334, 1335, 1339.)

This action was based on the manufacture and shipment of canned salmon, samples of which were found to be tainted or stale.

On July 11, 1932, the United States attorney for the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Libby, McNeill & Libby, a corporation, trading at Karheen, Alaska, alleging that on or about August 10, 1930, the said defendant had manufactured a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act, and that on or about September 12, 1930, the defendant company had shipped from Alaska into the State of Washington a quantity of adulterated canned salmon, in further violation of the said act. The article was labeled in part: "Happy-Vale Brand Pink Salmon Emery Food Co., Chicago."

It was alleged in the information that the article was adulterated in that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On September 7, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

R. G. TUGWELL, *Acting Secretary of Agriculture.*