butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of March 4, 1923.

On June 30, 1933, the Carbon County Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $250, conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21346. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30835. Sample no. 40663-A.)

This case involved a shipment of butter which contained less than 80 percent of milk fat and which was not labeled with a statement of the quantity of the contents.

On June 27, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 tubs of butter at Chicago, Ill., alleging that article had been shipped in interstate commerce on June 19, 1933, by McAllister Bros., from Marceline, Mo., and charging adulteration and misbranding in violation of the Food and Drug Act as amended.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

Misbranding was alleged for the 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 July 1, 1933, 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 claimant to be reworked, upon payment of costs and the execution of a bond in the sum of $500, conditioned that it should not be sold or otherwise disposed of contrary to the Federal Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

21347. Adulteration and misbranding of butter. U. S. v. Armour & Co. Plea of nolo contendere. Fine, $25. (F. & D. no. 29496. I.S. nos. 55751, 55759, 55762, 55763, 55764.)

This case was based on interstate shipments of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On May 12, 1933, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Armour & Co., a corporation, trading at Mitchell, S.Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 12, March 16, and March 26, 1932, from the State of South Dakota into the State of Illinois, of quantities of butter that was adulterated and misbranded. The article was labeled in part: "Armour's Cloverbloom * * * Full Cream Butter. * * * Distributed by Armour Creamery, General Offices, Chicago."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Butter", borne on the label, was false and misleading and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On July 20, 1933, a plea of nolo contendere to the information was entered, and the court imposed a fine of $25.

M. L. WILSON, *Acting Secretary of Agriculture.*