

On June 14, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable organizations in view of the fact that it was fit for human consumption.

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

22939. Adulteration and misbranding of butter. U. S. v. 79 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32935. Sample no. 65725-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On or about June 16, 1934, 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 79 cases of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 2, 1934, by the Downsville Cooperative Creamery Co., from Downsville, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sweet Butter."

The article was alleged to be 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 statement on the label, "Butter", was false and misleading.

On June 20, 1934, Hunter, Walton & 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 that the product be released to the claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be disposed of contrary to the provisions of the Food and Drugs Act and all other laws.

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

22940. Adulteration of canned prunes. U. S. v. 201 Cases of Canned Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32969. Sample nos. 66850-A, 71441-A.)

This case involved a shipment of canned prunes that were in part decomposed.

On June 20, 1934, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 201 cases of canned prunes at Pueblo, Colo., alleging that the article had been shipped in interstate commerce, on or about March 26, 1934, by the Washington Berry Growers Packing Corporation, Sumner, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Santiam Brand Oregon Prunes * * * Stayton Canning Company, Co-operative Stayton, Oregon."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 20, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

22941. Misbranding of whisky. U. S. v. 15 Cases and 21 Bottles of Whisky. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 32973. Sample nos. 62235-A, 62208-A.)

This case involved a lot of whisky that was labeled to convey the impression that it was of domestic origin, but which was in fact made in Habana, Cuba. The label failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement "One Pint" was inconspicuous, and since the amount contained in the bottles was less than 1 pint.

On June 19, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 15 cases and 21 pint bottles of whisky at Washington, D. C., alleging that the article was in possession of the District Wholesale