

3607. Misbranding of butter. U. S. v. 1 Case of Misbranded Butter. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 235-c.)

On May 29, 1914, the United States attorney for the District of Oregon, acting upon a report by the State Dairy and Food Commissioner of Oregon, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 case alleged to contain 60 pounds of butter, consisting of 20 2-pound squares and 20 1-pound squares of said butter, remaining unsold in the original unbroken packages at Roseburg, Oreg., alleging that the product had been shipped on or about January 20, 1914, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act. Some of the squares of butter were labeled: "Brookfield, 32 ounces, Full Weight." Other squares were labeled: "Brookfield, 16 ounces, Full Weight."

It was charged in the libel that the product was misbranded in that said case of butter was alleged to contain 60 pounds of said food, consisting of 20 alleged 2-pound squares marked "32 ounces, Full Weight," and 20 alleged 1-pound squares marked "16 ounces, Full Weight," whereas, in truth and in fact, said alleged 20 2-pound squares did not weigh 32 ounces, and were not full weight, and said alleged 20 1-pound squares did not contain 16 ounces, and were not full weight.

On September 14, 1914, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal "in full-weight packages or destroyed in accordance with the instructions of the Secretary of the Department of Agriculture, as is usual in such cases."

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 23, 1915.*