

the District Court of the United States for said district libels praying the seizure and condemnation of 1,217 cases of salmon, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the C. F. Buelow Co., from Seattle, Wash., in two consignments, namely, on or about December 8 and 29, 1922, respectively, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Pink Beauty Brand * * * Pink Salmon * * * Guaranteed by Weiding & Independent Fisheries Co., Under the Food and Drugs Act June 30, 1906 * * * Packed by Weiding & Independent Fisheries Co. Seattle, Wash." The remainder of the article was labeled in part: "Watermelon Brand * * * Puget Sound Chum Salmon * * * Packed by Deer Harbor Fisheries Co. Inc Deer Harbor, Washington, Seattle, Washington."

Adulteration of the article was alleged in the libels for the reason that it was composed in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On June 26, 1923, no claimant having appeared for the property, judgment of the court was entered, finding the product to be misbranded and to consist of putrid matter, and it was ordered by the court that it be condemned and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12219. Misbranding of butter. U. S. v. 27 Boxes and 9 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17722. I. S. No. 7107-v. S. No. C-4098.)

On August 16, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 10-pound boxes and 9 30-pound boxes of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the Brookhaven Creamery Co., from Gloster, Miss., on or about August 6, 1923, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "Brookhaven Fancy * * * Creamery Butter * * * One Pound Net * * * The within contents weighed 1 lb. when packed * * * contents are not guaranteed to weigh at time of sale the amount marked on the package * * * Brookhaven Creamery Co. Brookhaven, Mississippi."

Misbranding of the article was alleged in the libel for the reason that the statement, "One Pound Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further 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 November 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12220. Misbranding of tankage. U. S. v. 160 Sacks of Success Brand Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18280. I. S. No. 8834-v. S. No. C-4270.)

On February 2, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of Success brand digester tankage, remaining in the original unbroken packages at Francesville, Ind., alleging that the article had been shipped by the United Bi-Products Co. from Chicago, Ill., on or about July 10, 1923, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Success Brand Digester Tankage * * * Protein 60% Manufactured By United Bi-Products Company * * * Chicago, East St. Louis."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Protein 60%," was false and misleading and deceived and misled the purchaser, in that the article did not contain 60 per cent of protein but did contain a less amount.

On February 28, 1924, the United Bi-Products Co., Chicago, Ill., having appeared and filed its claim for the property and an answer of admission, and