

on or about June 13, 1924, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Dairy Belle Pure * * * Sweet Creamery Butter * * * Hawkins County Creamery Rogersville, Tennessee. * * * One Pound Net When Packed."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing in the label, "One Pound Net When Packed," was false and misleading and deceived and misled the purchaser into the belief that each of the cartons contained 1 pound net weight of butter, whereas, in truth, the said cartons did not contain 1 pound net weight of butter. Misbranding was alleged for the further reason that the article was food in package form and the contents was not plainly and conspicuously marked on the outside of the said package.

On July 11, 1924, the Hawkins County Creamery, Rogersville, Tenn., claimant, having admitted the allegations of the libel and 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 the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled to meet the requirements of the law.

HOWARD M. GORE, *Secretary of Agriculture.*

12483. Adulteration and misbranding of minced clams. U. S. v. 59 Cases of Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16385. I. S. No. 10969-t. S. No. W-1097.)

On June 12, 1922, the United States attorney for the District of Oregon, 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 59 cases of minced clams remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by F. C. Barnes Co. from South Bend, Wash., May 10, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, minced clams.

On August 1, 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, *Secretary of Agriculture.*

12484. Misbranding of Plough's Prescription C-2223. U. S. v. 19 Bottles and 5 Bottles of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17370. I. S. Nos. 4499-v, 4500-v. S. Nos. C-3939, C-3940.)

On March 19, 1923, the United States attorney for the Western District of Kentucky, 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 19 bottles, 50-cent size, and 5 bottles, \$1.50 size, of Plough Prescription C-2223 remaining in the original packages at Louisville, Ky., consigned by the Plough Chemical Co., Memphis, Tenn., in various consignments, namely, May 1 and September 20, 1922, and January 24, 1923, respectively, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Kentucky, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide, colchicum extract, a trace of salicylic acid, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said