

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On June 30, 1924, 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*.

12596. Adulteration and misbranding of butter. U. S. v. Michael F. Donahue. Plea of guilty. Fine, \$1. (F. & D. Nos. 17426, 17694. I. S. Nos. 1833-v, 10851-v, 10853-v.)

On November 13, 1923, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a consolidated information against Michael F. Donahue, Essex, Vt., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about November 13, 1922, and March 5 and 22, 1923, respectively, from the State of Vermont into the State of New Hampshire, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Donahue's Creamery Butter * * * Manufactured By M. F. Donahue Essex, Vermont."

Analysis of a sample of the article from each shipment by the Bureau of Chemistry of this department showed that it was deficient in butterfat and that the shipments of November 13, 1922, and March 22, 1923, contained excessive moisture.

Adulteration of the product consigned November 13, 1922, was alleged in the information for the reason that a substance, to wit, excessive moisture, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, for the further reason that a substance, to wit, excessive water, had been substituted in part for creamery butter, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Adulteration was alleged with respect to the shipments of March 5 and 22, 1923, for the reason that a product deficient in butterfat and which contained excessive moisture, with respect to the product consigned March 22, 1923, and a product deficient in butterfat, with respect to the product consigned March 5, 1923, had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the product involved in all the consignments for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist, but a portion of the article consisted of a product deficient in butterfat and [which] contained excessive moisture, and the remainder thereof consisted of a product deficient in butterfat.

Misbranding was alleged with respect to the product consigned November 13, 1922, for the further reason that it was a product low in butterfat and which contained excessive moisture prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On March 17, 1924, the defendant entered a plea of guilty to the consolidated information, and the court imposed a fine of \$1.

HOWARD M. GORE, *Secretary of Agriculture*.

12597. Adulteration and misbranding of wafer meal and corn meal. U. S. v. J. Calvin Bogert (Grove Feed Products Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18091. I. S. Nos. 21-v, 403-v.)

At the January, 1924, term of the United States District Court within and for the District of New Jersey the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against J. Calvin Bogert, trading as Grove Feed Products Co., Jersey City, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 24, 1923, and April 3, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of corn meal and wafer meal, respectively, which were adulterated and mis-