

12639. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18828. I. S. No. 16839-v. S. No. E-4912.)

On July 2, 1924, the United States attorney for the District of Massachusetts, 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 15 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 23, 1924, alleging that the article had been shipped by the Lincoln Creamery Co., Lincoln, Vt., and transported from the State of Vermont into the State of Massachusetts, 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 a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

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

On July 8, 1924, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12640. Misbranding of olive oil. U. S. v. 45 Cans and 40 Cans of Olive Oil. Decree entered ordering product released under bond to be relabeled. (F. & D. No. 17846. I. S. Nos. 11517-v, 11518-v. S. No. W-1423.)

On October 13, 1923, the United States attorney for the District of Utah, 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 45 1-quart cans and 40 half-gallon cans of olive oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by N. G. Makris Co., from St. Johns Park, N. Y., on or about March 8, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Makris Brand Imported Lucca Olive Oil Extra Quality Guaranteed Pure Net Contents One Quart" (or "Net Contents Half Gallon") "B. G. Makris Importer & Packer, Lucca, Italy-France-N. Y. U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statements, "Net Contents One Quart" and "Net Contents Half Gallon," borne on the labels on the respective sized cans, were false and misleading in that the net contents of the said cans were not 1 quart or one-half gallon, as the case might be. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 7, 1924, N. G. Makris, New York, N. Y., claimant, having paid the costs of the proceedings and having executed a bond in the sum of \$500, in conformity with section 10 of the act, a decree of the court was entered, finding the product to be misbranded and ordering that it be released to the claimant to be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12641. Adulteration of walnut meats. U. S. v. 20 Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18175, 18176, 18177. I. S. Nos. 20755-v, 20756-v, 20757-v. S. No. W-1453.)

On December 18, 1923, the United States attorney for the Western District of Washington, 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 20 boxes of walnut meats remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Davis Nut Shelling Co. from Los Angeles, Calif., November 9, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act.

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

On July 14, 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.*

12642. Misbranding of sweet potatoes. U. S. v. 630 Baskets of Sweet Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18432. I. S. No. 12134-v. S. No. W-1484.)

On February 29, 1924, the United States attorney for the Northern District of California, 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 630 baskets of sweet potatoes remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the H. Rouw Co. from Alexander, Ark., February 2, 1924, and transported from the State of Arkansas into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Porto Ricans" (or "Nancy Hall") "This Package Contained 50 Pounds Net When Packed The H. Rouw Co."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the labels, "This Package Contained 50 Pounds Net When Packed," 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 March 12, 1924, Charles Campodonico, San Francisco, Calif., having appeared as claimant for the property and having 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 \$1,638, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the law to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12643. Adulteration of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18841. I. S. No. 12962-v. S. No. E-4879.)

On July 2, 1924, the United States attorney for the Southern District of New York, 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 60 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the McDougall Warehouse Co., Port Huron, Mich., June 25, 1924, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article.

On August 15, 1924, Charles P. Mecabe & Son, New York, N. Y., 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 \$1,200, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12644. Adulteration of evaporated milk. U. S. v. 301 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17862. I. S. No. 17523-v. S. No. C-3129.)

On or about November 8, 1923, the United States attorney for the Southern District of Iowa, 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 301 cases of evaporated milk remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had