payment of the costs of the proceedings and the execution of a bond in the sum of $50, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12733. Misbranding of butter. U. S. v. 83 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17581. I. S. No. 6847-v. S. No. C-4658.)

On July 5, 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 83 cases, each containing 30 pounds of butter, at New Orleans, La., alleging that the article had been shipped by the Meshoba County Creamery, from Philadelphia, Miss., in part on or about June 11, 1923, and in part on or about June 18, 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: (Case) "Neshoba County Creamery Philadelphia, Mississippi. This Package Contains 30 lbs. Butter"; (carton) "State Mississippi Brand Butter This butter * * * manufactured by * * * Mississippi Creameries Co-operative Association * * * This package contains 16 ounces net weight when packed."

Misbranding of the article was alleged in the libel for the reason that the labeling bore the statements, (case) "This Package Contains 30 lbs. Butter." (carton) "This package contains 16 ounces net weight when packed," which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in packed [package] form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.

On August 30, 1923, L. Frank & Co., New Orleans, La., 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 $1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12734. Adulteration and misbranding of fruit jelly. U. S. v. 5 Cases of Fruit Jelly. Default decree adjudging product adulterated and misbranded and ordering its destruction. (F. & D. No. 17685. I. S. No. 5581-v. S. No. C-4064.)

On August 13, 1923, the United States attorney for the Western District of Wisconsin, 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 5 cases, each containing 24 pails of jelly, remaining in the original unbroken packages at Rhinelander, Wis., consigned by D. B. Scully Syrup Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about May 5, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Tip Top Brand Imitation Fruit Jelly Packed Only By D. B. Scully Syrup Co. Chicago, Illinois"; (pail) "Tip-Top Brand Corn Syrup Apple Jelly * * * Packed By D. B. Scully Syrup Co. Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and in that acidified fruit-colored pectin jelly had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Apple Jelly," appearing on the pails containing the article and the statement "Imitation Fruit Jelly," appearing on the shipping containers, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On June 25, 1924, no claimant having appeared for the property, judgment of the court was entered, finding the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*