

reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On September 26, 1924, the Union Creamery Co., La Grande, Oreg., claimant, having admitted the allegations of the libel 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 \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12790. Misbranding of butter. U. S. v. 4 Boxes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 18958. I. S. Nos. 20281-v, 20282-v, 20283-v. S. No. W-1558.)

On August 14, 1924, 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 19 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by Frye & Co., Seattle, Wash., August 12, 1924, alleging that the article had been prepared for shipment from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Mayflower Fancy Creamery Butter" (or "Wild Rose Fancy Creamery Butter") "\* \* \* One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not marked plainly and conspicuously on the outside of the package.

On August 19, 1924, Frye & Co., Seattle, Wash., claimant, having admitted the allegations of the libel 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 \$400, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

**12791. Adulteration of canned clams. U. S. v. 52 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 18800. I. S. No. 20379-v. S. No. W-1519.)

On June 20, 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 52 cases of canned clams, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Warrenton Clam Co., Copalis, Wash., alleging that the article had been shipped from Copalis, Wash., on or about June 3, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Warrenton Brand Pure Whole Clams, Warrenton Clam Co., Warrenton, Oregon. Net Contents 1 Lb. 2 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed with and substituted wholly or in part for the said article.

On July 22, 1924, the Johnson Locke Mercantile Co., 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 \$515, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Slack Filled Contains Excessive Brine. Minimum Contents 7¼ Oz. Clam Meat. This Size Can Should Contain 9 Oz. Clam Meat," under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*