

On June 29, 1925, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12461. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 20066. I. S. No. 23402-v. S. No. W-1701.)

On April 18, 1925, 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 7 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Savinar Co., Portland, Oreg., April 14, 1925, and transported from the State of Oregon 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 a substance deficient in milk fat content had been mixed and packed therewith so as to 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 article.

On May 1, 1925, T. B. Klock & 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 deposit of \$200 collateral to insure the reconditioning of the product under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13462. Misbranding and alleged adulteration of butter. U. S. v. 8 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20092. I. S. No. 23409-v. S. No. W-1708.)

On May 5, 1925, 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 and on May 6 an amended libel praying the seizure and condemnation of 8 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been delivered for shipment to the Territory of Alaska by the West Coast Grocery Co., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin) "Bradner's Jersey Creamery Butter. This Can Contains Two Pounds * * * Manufactured And Packed By The Bradner Company Seattle Washington U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been abstracted therefrom.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 13, 1925, the Bradner Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded, in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the package, and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13463. Adulteration of cottonseed meal. U. S. v. Robeson Mfg. Co. Defendant submits to judgment. Fine, \$25 and costs. (F. & D. No. 19006. I. S. No. 2935-v.)

On November 8, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Robeson Mfg. Co., a corporation, Lumberton, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 19, 1923, from the State of North Carolina into the State of New Jersey, of a quantity of cottonseed meal which was adulterated. The article was labeled in part: "Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.66 per cent of ammonia, 34.25 per cent of protein, and 17.33 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that cottonseed meal containing less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of crude fiber had been substituted for good cottonseed meal containing a minimum protein content of 36 per cent, a minimum ammonia content of 7 per cent, and a maximum crude fiber content of 14 per cent, which the said article purported to be.

On June 18, 1925, the defendant entered a submission to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13464. Adulteration and misbranding of preserves. U. S. v. 33 Cases of Orange Marmalade Preserves, et al. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19973. I. S. Nos. 17238-v to 17242-v, incl. S. No. E-5255.)

On April 22, 1925, the United States attorney for the Eastern District of Virginia, 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 33 cases of orange marmalade preserves, 37 cases of pineapple preserves, 44 cases of peach preserves, 42 cases of strawberry preserves, and 36 cases of raspberry preserves, remaining unsold in the original packages at Norfolk, Va., alleging that the articles had been shipped by George S. Murphy (Inc.), from New York, N. Y., in various consignments, namely, on or about September 8 and 13 and November 17, 1924, and January 7, 1925, respectively, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Honeydew Brand Pure Orange Marmalade" (or "Pineapple" or "Peach" or "Strawberry" or "Raspberry") "Preserves * * * George S. Murphy Inc. New York."

Adulteration of the articles was alleged in the libel for the reason that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted wholly or in part for the said articles. Adulteration of the raspberry preserves was alleged for the reason that a substance, loganberry, had been substituted in whole or in part for raspberry.

Misbranding was alleged in substance for the reason that the designations "Honeydew Pure Preserves" and "Pineapple," "Peach," "Strawberry," "Raspberry" or "Orange Marmalade," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 30, 1925, George S. Murphy (Inc.), New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products 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, conditioned in part that they be relabeled, after proper concentration, "Preserves" with a plain and conspicuous statement of added pectin and acid.

C. F. MARVIN, *Acting Secretary of Agriculture.*