

13614. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. 20241. I. S. No. 14209-v. S. No. E-5367.)

On July 1, 1925, the United States attorney for the Eastern District of Pennsylvania, 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, shipped by the Arthur Simmons Co., St. Paul, Minn., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Minneapolis, Minn., on or about June 20, 1925, and transported from the State of Minnesota into the State of Pennsylvania, 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, excessive water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 24, 1925, the Samels Bros. Co., Minneapolis, Minn., 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 \$750, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13615. Adulteration and misbranding of canned oysters. U. S. v. 331 Cases of Canned Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20057. I. S. No. 14449-v. S. No. W-1705.)

On May 1, 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 331 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dorgan-McPhillips Sales Co., from Mobile, Ala., March 18, 1925, and transported from the State of Alabama into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Oysters Net Oyster Meat 5 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, water or brine, 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.

Misbranding was alleged for the reason that the designation "Net Oyster Meat 5 Ounces" was false and misleading and deceived and misled the purchaser, and in 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 June 4, 1925, the National Grocery Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the filing of a good and sufficient bond or a certified check to insure the reconditioning and relabeling of the product under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13616. Adulteration of canned minced clams. U. S. v. 20 Cases of Minced Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18937. I. S. No. 7775-v. S. No. W-1568.)

On September 2, 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 20 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Chisick Island Corp., from Snug Harbor, Alaska, (August 9, 1924), and