

ment 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 \$150, or the execution of a bond in like amount, conditioned in part that it be reprocessed under the supervision of this department so as to contain at least 80 per cent of butterfat.

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

13648. Misbranding of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20277. I. S. No. 6029-x. S. No. E-5401.)

On July 10, 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 14 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Mid-West Butter Co., St. Joseph, Mo., alleging that the article had been shipped from St. Joseph, Mo., on or about June 30, 1925, and transported from the State of Missouri into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "A. B. W. Creamery Butter * * * Manufactured By A. B. W. Middle West Creameries One Pound Net." (wrapper) "Net Weight One Quarter Pound."

Misbranding of the article was alleged in substance in the libel in that the statements "One Pound Net" on the cartons and "Net Weight One Quarter Pound" on the wrappers were false and misleading. 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 packages, since the statement made was not correct.

On July 11, 1925, A. Wachs, Philadelphia, Pa., 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 \$300, in conformity with section 10 of the act, conditioned that it be relabeled under the supervision of this department.

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

13649. Adulteration and misbranding of butter. U. S. v. 15 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20310. I. S. No. 3002-x. S. No. E-5431.)

On July 14, 1925, 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 43 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Co., Clear Lake, Wis., on or about June 30, 1925, and transported from the State of Wisconsin into the State of New York, 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 and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

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

On July 20, 1925, the Farmers Cooperative Creamery Co., Clear Lake, Wis., 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 \$1,200, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain at least 80 per cent of butterfat.

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

13650. Adulteration and misbranding of vinegar. U. S. v. 25 Cases of Vinegar. Default decree entered, ordering product destroyed. (F. & D. No. 17551. I. S. No. 9680-v. S. No. C-4007.)

On June 1, 1923, the United States attorney for the Southern District of Ohio, 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 25 cases of vinegar, remaining in the original packages at Nelsonville, Ohio, consigned by the De Luxe Products Co., Pittsburgh, Pa., about March 24, 1923, alleging that the article had been shipped from Pittsburgh, Pa., and transported from the State of Pennsylvania into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "De Luxe Brand * * * Pure Cider Vinegar Made From Apple Juice * * * Guaranteed By De Luxe Products Co. N. S. Pittsburgh, Pa."

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

Misbranding was alleged for the reason that the statements "Pure Cider Vinegar Made From Apple Juice * * * Guaranteed By," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, pure apple cider vinegar.

On July 23, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

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