

broken packages at San Francisco, Calif., alleging that the article had been shipped by the Northern Creamery Co., from Great Falls, Mont., July 2, 1925, and transported from the State of Montana into the State of California, 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 product deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On July 28, 1925, the Fred L. Hilmer 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 \$940, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the act under the supervision of this department.

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

13705. Misbranding of butter. U. S. v. 270 Pounds of Blue Valley Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20179. I. S. No. 24791-v. S. No. C-4762.)

On or about June 20, 1925, the United States attorney for the Western District of Texas, 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 270 pounds of butter, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Blue Valley Creamery Co., from Kansas City, Mo., on or about May 25, 1925, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Blue Valley Butter Blue Valley Creamery Co. General Offices, Chicago, Ill. Net Weight One Pound."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the cartons containing the article, "Net Weight One Pound," "Blue Valley Butter. Blue Valley Creamery Company," were false and misleading and deceived and misled the purchaser, in that the said cartons did not contain 1 pound of butter. 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 package.

On July 17, 1925, the Beeks Produce Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$225, in conformity with section 10 of the act.

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

13706. Alleged adulteration of butter. U. S. v. South Peacham Creamery. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18100. I. S. No. 1861-v.)

On March 28, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information and on or about April 11, 1925, an amended information against the South Peacham Creamery, a corporation, Barnet, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about June 19, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter in tubs which was alleged to be adulterated.

Analysis by the Bureau of Chemistry of this department of a sample of the article from each of 3 tubs showed 79 per cent, 77.8 per cent, and 78.6 per cent, respectively, of milk fat.

Adulteration of the article was alleged in the information for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.