

whereas it did not consist wholly of butter but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter" was false and misleading in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On October 1, 1925, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$3,500, in conformity with section 10 of the act, said bond providing in part that the product be reconditioned or relabeled under the supervision of this department.

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

**13837. Adulteration and misbranding of sirup. U. S. v. 546 Cans and 238 Cases of Sirup. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20082, 20371. I. S. Nos. 24779-v, 24780-v, 9527-x. S. Nos. C-4735, C-4810.)

On May 26 and August 20, 1925, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 238 cases and 546 cans of sirup, remaining in the original unbroken packages in part at Orange, Tex., and in part at Jasper, Tex., alleging that the article had been shipped in part by L. A. Moresi, from Abbeville, La., on or about April 8, 1925, and in part by L. A. Moresi Syrup Co., from Jeanerette, La., on or about January 30, 1925, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Some Good Syrup \* \* \* Manufactured By L. A. Moresi Syrup Co. Jeanerette, Louisiana." The remainder of the said article was labeled in part: "Moresi's Choice Golden Syrup Superior Quality, Manufactured By L. A. Moresi Abbeville, La."

Adulteration of the article was alleged in the libels for the reason that a substance consisting in part of commercial glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designations "Syrup," with respect to a portion of the product, and "Choice Golden Syrup," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On September 16 and 17, 1925, respectively, T. O. Landrum, Orange, Tex., and H. N. Gibbs, Jasper, Tex., having appeared as claimants for respective portions of the property, and the court having found that the material allegations of the libels had been sustained and that commercial glucose had been mixed and packed with and substituted wholly or in part for the article, decrees were entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, said decrees providing further that the product might be released to the claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

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

**13838. Adulteration of canned salmon. U. S. v. 6,271 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20412. I. S. No. 123-x. S. No. W-1775.)

On September 28, 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 6,271 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pyramid Packing Co., from Sitka, Alaska, arriving at

Seattle, August 12, 1925, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Oasis Brand Pink Salmon \* \* \* Packed By Pyramid Packing Co. Sitka, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On or about October 15, 1925, the Pyramid Packing Co., 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 \$2,500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department and the bad portion destroyed.

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

**13839. Adulteration and alleged misbranding of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20215. I. S. No. 14949-v. S. No. C-4767.)

On June 26, 1925, the United States attorney for the Eastern District of Missouri, 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 3 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Atlanta Butter & Cream Co., Atlanta, Ill., on or about June 22, 1925, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From Atlanta Butter and Cream Co., Atlanta, Ill."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that a product containing 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 law.

Misbranding was alleged for the 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 August 4, 1925, no claimant having appeared for the property, upon a finding by the court that the product was adulterated judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

**13840. Adulteration of canned salmon. U. S. v. 447 Cases and 499 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19104. I. S. Nos. 8767-v, 8768-v, 8769-v, 8770-v. S. No. C-4525.)

On October 31, 1924, the United States attorney for the Western District of Tennessee, 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 946 cases of canned salmon, and on February 9, 1925, an amendment to the libel withdrawing the charges as to 499 cases of the product, said libel as amended alleging that the article had been shipped by the Ward's Cove Packing Co., from Prince Rupert, B. C., on or about September 2, 1924, and transported from a foreign country, namely, the Dominion of Canada, into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ward's Cove Brand Choice Alaska Pink Salmon \* \* \* Packed by Ward's Cove Packing Co. Ketchikan, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 21, 1925, the Ward's Cove Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel as amended, judgment of condemnation and forfeiture was entered,