

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

On December 1, 1925, Barnett O. Golding, New York, N. Y., 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 the bad portion be separated from the good portion and the former destroyed or denatured under the supervision of this department.

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

**13949. Adulteration of canned sardines. U. S. v. 64 Cases, et al., of Sardines. Portion of product found not adulterated and ordered released and libels dismissed with respect thereto. Remainder of product condemned and destroyed.** (F. & D. Nos. 19156, 19157, 19158, 19160, 19161, 19162, 19163, 19164. I. S. Nos. 9828-v, 9829-v. S. No. W-929.)

On or about November 25 and 26 and December 2 and 3, 1924, respectively, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 255 cases, each containing 10-ounce cans, and 1,125 cases, each containing 3¼-ounce cans, of sardines, remaining in the original unbroken packages in various lots at Salt Lake City, Ogden, and Provo, Utah, respectively, alleging that the article had been shipped by the Holmes Co., from Robbinston, Me., on or about July 26, 1924, and transported from the State of Maine into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: "Holmes Co. Maine Sardines HCO Contents 10 Ozs in Salad Sauce, Mustard, Robbinston, Maine," "Holmes Company Maine Sardines HCO Contents 3-¼ Ozs In Salad Oil Cottonseed Robbinston, Maine," and "Holmes St. Croix Brand American Sardines In Cotton Seed Oil Packed At Robbinston, Maine \* \* \* Weight 3-¼ Ozs."

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

On June 23, 1925, Holmes & Co., Robbinston, Me., having appeared as claimants for the 1,125 cases containing the 3¼-ounce cans, and the court having found that the product in the said 1,125 cases was not adulterated, decrees were entered, ordering that it be released and the libels dismissed with respect to the said portion of the product. The said decrees found that the product in the 255 cases of 10-ounce cans was adulterated and ordered that it be condemned and destroyed by the United States marshal.

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

**13950. Adulteration and misbranding of butter. U. S. v. Harry Petersen (Petersen Creamery). Plea of guilty. Fine, \$52.** (F. & D. No. 18104. I. S. No. 11512-v.)

On March 20, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Petersen, trading as the Petersen Creamery, Salt Lake City, Utah, alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about September 10, 1923, from the State of Utah into the State of Wyoming, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "One Pound Net Weight Fancy Golden Arrow Brand Butter Pasteurized Petersen Creamery Salt Lake City, Utah."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 78.19 per cent of milk fat. Examination by said bureau of 108 packages showed an average net weight of 15.9 ounces.

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

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net Weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the