Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of water had been substituted in whole or in part for creamery butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statements, to wit, "Creamery 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 article was creamery butter and that each of said packages contained 1 pound net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was creamery butter, and that each of said packages contained 1 pound net weight thereof, whereas it was not creamery butter but was a product deficient in milk fat and containing an excessive amount of water, and each of said packages did not contain 1 pound net weight of butter but did contain a less amount. 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 25, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

W. M. JARDINE, *Secretary of Agriculture.*

14553. Misbranding of butter. U. S. v. 2 Cases of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 20261. I. S. No. 23476-v. S. No. W-1745.)

On June 29, 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 seizure and condemnation of 2 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been prepared for shipment June 25, 1925, by the Matchett-Macklem Co., Seattle, Wash., and was to have been shipped in interstate commerce from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Creamery Butter 2 Lbs. Net Weight."

It was alleged in the libel that the article was misbranded under section 8 of the act, paragraphs 2 and 3 under food, 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, and in that it was short weight.

On July 18, 1925, Swift & Co., Seattle, Wash., 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 for reconditioning and relabeling under the supervision of this department, upon payment of the costs of the proceedings and the deposit of collateral in the sum of $25, to insure that it be disposed of in accordance with the law and the directions of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14554. Adulteration of sauerkraut. U. S. v. 85 Barrels of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21062. I. S. No. 10297-x. S. No. C-5097.)

On May 10, 1926, the United States attorney for the Northern 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 seizure and condemnation of 85 barrels of sauerkraut, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by Flanigan Bros., Bear Creek, Wis., on or about December 21, 1925, and transported from the State of Wisconsin into the State of Ohio, and charging adulteration in violation of the food and drugs act.

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 vegetable substance.

On July 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*