

reduce or lower or injuriously affect its quality or strength and had been substituted wholly 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 19, 1929, the South Shore Creamery Co., South Shore, S. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, and to recondition the product so that it contain at least 80 per cent of butterfat, 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 costs and the execution of bonds totaling \$2,700, conditioned in part that it be reworked and reprocessed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16628. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23934. I. S. No. 04043. S. No. 2072.)

On July 5, 1929, 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 seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Charles City Creamery Co., from Charles City, Iowa, on or before June 25, 1929, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly 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 10, 1929, the Charles City Creamery Co., Charles City, Iowa, 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 costs and the execution of a bond in the sum of \$400, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16629. Adulteration and misbranding of canned oysters. U. S. v. 20 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23485. I. S. No. 05583. S. No. 1718.)

On March 5, 1929, the United States attorney for the Southern District of Florida, 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 20 cases of canned oysters, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about January 3, 1929, and transported from the State of South Carolina into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Oysters Crystal Bay Brand Contents 5 Oz. Net * * * Shelmore Oyster Products Co."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the said article and had been mixed and packed with it so as to reduce and lower its quality and strength.

Misbranding was alleged for the reason that the statement on the label, "Contents 5 oz. Net," was false and misleading and deceived and misled the purchaser, and 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, since the quantity stated was not correct.

On April 25, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*