

A. G. Creamery Co., from Arcadia, Wis., March 24, 1930, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration 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 and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

On April 26, 1930, the Sweet Cream Butter Co., Chicago, Ill., 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 \$1,000, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17335. Misbranding of egg noodles. U. S. v. 15 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24541. I. S. No. 018303. S. No. 2827.)

On February 19, 1930, 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 15 cases of egg noodles, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Porter-Scarpelli Macaroni Co., Portland, Oreg., on or about December 20, 1929, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Red and White Brand Fresh Egg Noodles Made from Pure Durum Semolina."

It was alleged in the libel that the article was misbranded in that the statement "Egg Noodles" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article, and for the further reason that the retail package failed to bear a statement of the quantity of the contents.

On March 11, 1930, 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.*

17336. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24795. I. S. No. 022704. S. No. 3032.)

On March 20, 1930, the United States attorney for the Northern District of California, 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 10 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Lakeshire Cheese Co., from East Portland, Oreg., March 10, 1930, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 12, 1930, Cudahy & Co., San Francisco, Calif., 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 \$300, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17337. Adulteration and misbranding of butter. U. S. v. 67 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24829. I. S. No. 022625. S. No. 2985.)

On March 12, 1930, the United States attorney for the District of Colorado, 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 con-

demnation of 67 cases of butter, remaining in the original unbroken packages at Denver, Colo., consigned by the Capitol Hill Creamery Co., Denver, Colo., ~~alleging that the article had been shipped from Fort Francis E. Warren, Wyo.,~~ on or about March 10, 1930, and transported from the State of Wyoming into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Capitol Hill Butter One Pound Solid The Capitol Hill Butter Co. Denver, Colo."

It was alleged in the libel that the article was adulterated in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 13, 1930, the Capitol Hill Creamery Co., Denver, Colo., 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 \$1,000, conditioned in part that it should not be disposed of contrary to law, and that it be reworked and repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17338. Misbranding of butter. U. S. v. 36 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24814. I. S. No. 037528. S. No. 3029.)

On or about March 12, 1930, the United States attorney for the Eastern District of Louisiana, 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 36 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sunlight Produce Co., Neosho, Mo., on or about March 1, 1930, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "10 Lbs. Net."

It was alleged in the libel that the article was misbranded in that the statement "10 Lbs. Net," borne on the label, was false and misleading and deceived and misled the purchaser. 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, in that the quantity stated on the package was not correct.

On March 14, 1930, the Sunlight Produce Co., Neosho, 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 costs and the execution of a bond in the sum of \$200, conditioned in part that it be repacked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17339. Adulteration and misbranding of cheese. U. S. v. 25 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24288. I. S. No. 026201. S. No. 2532.)

On or about December 3, 1929, the United States attorney for the Northern District of Illinois, 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 25 boxes of cheese at Chicago, Ill., alleging that the article had been shipped by the Colby Cheese Co., Unity, Wis., October 30, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wisconsin No. 1."

It was alleged in the libel that the article was adulterated in that skimmed-milk cheese and cheese containing excessive water had been substituted in part for whole-milk cheese.

Misbranding was alleged for the reason that the statement on the label, "Wisconsin No. 1," implying whole-milk cheese, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 18, 1930, G. H. Hammond & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a