

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

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 used in the manufacture of pasteurized process cheese, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17340. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24818. I. S. No. 023418. S. No. 3134.)

On May 9, 1930, 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 3 cases of butter, remaining in the original unbroken packages at steamship pier, Seattle, Wash., alleging that the article was to have been shipped by the Washington Creamery Co., Seattle, Wash., about May 8, 1930, from the State of Washington to Anvik, Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cartons) "Blue Ribbon Brand Butter—One Pound—Distributed by Washington Creamery Co. Seattle, Washington."

It was alleged in the libel that the article was misbranded in that the statement "Net Weight One Pound," borne on the label, was false and misleading, since the package contained less than 1 pound of butter. 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, since the quantity stated on the package was not correct.

On May 20, 1930, the Washington Creamery Co., Seattle, Wash., 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 \$100, 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.*

17341. Misbranding of butter. U. S. v. 324 Packages of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24668. I. S. No. 022531. S. No. 2752.)

On or about January 30, 1930, the United States attorney for the District of Montana, 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 three hundred and twenty-four 1-pound packages of butter, remaining in the original unbroken packages at Butte, Mont., alleging that the article had been shipped by the American Packing & Provision Co., Ogden, Utah, on or about January 6, 1930, and transported from the State of Utah into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Fresh Creamery Butter American Packing & Provision Co., Ogden, Utah. One Pound."

It was alleged in substance in the libel that the article was misbranded in that the statements on the label were false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound of the said article. Misbranding was alleged for the further reason that the wrapper bore a statement regarding the contents therein contained which was false and misleading in that the said label represented that the contents thereof weighed not less than 1 pound, whereas the said contents weighed less than 1 pound. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the packages.

On February 8, 1930, M. J. Fitzpatrick, Butte, Mont., having appeared as claimant for the property, 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 reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*