

17543. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24651. I. S. No. 029025. S. No. 2984.)

Samples of butter from the herein described interstate shipment having been found to be rancid, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On March 25, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 tubs of butter at Newark, N. J., alleging that the article had been transported on or about July 27, 1929, by the truck of De Bow & Co., Newark, N. J., from the premises of Fred D. Oetjen, New York, N. Y., in interstate commerce to Newark, N. J., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted of a filthy, decomposed, and putrid animal substance.

On July 16, 1930, Fred D. Oetjen, New York, N. Y., claimant, having admitted the allegation 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 renovated so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17544. Adulteration of canned salmon. U. S. v. 401 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product ordered destroyed or delivered to fish hatcheries. (F. & D. No. 24707. I. S. No. 023226. S. No. 3047.)

Samples of canned salmon from the herein described shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On April 4, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 401 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Crosby Fisheries (Inc.), from Ketchikan, Alaska, on or about September 23, 1929, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 10, 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 or delivered to the State Fisheries Department for use as fish food.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17545. Misbranding of butter. U. S. v. 275 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24997. I. S. No. 2276. S. No. 3289.)

Samples of butter from the herein described interstate shipment having been found short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York. On or about July 19, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 275 cases of creamery butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Kurtin & Kurtin, as agents for the J. A. Long Co., Portland, Ind., from Jersey City, N. J., on or about July 15, 1930, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Creamery Butter * * * One Pound Net * * * J. A. Long Co., * * * Portland, Indiana."

It was alleged in the libel that the article was misbranded in that it was labeled so as to deceive or mislead the purchaser by a false and misleading statement, namely, "One Pound Net." Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.