

the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Illinois.

On September 2, 1927, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 50 cartons of Ole Port at Cairo, Ill., alleging that the article had been shipped by the Nesbitt Fruit Products Co., from Los Angeles, Calif., on or about July 11, 1927, and had been transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping carton) "Old Port Grape;" (retail package) "Nesbitt's * * * Ole Port * * * contains added fruit acids, certified color and 1% of 1% benzoate of soda * * * Nesbitt Fruit Products, Inc., Los Angeles, Calif.;" (display strip inclosed in shipping carton) "Drink Nesbitt's Ole Port. A Concord Grape flavor. * * * Try a grape flip plain or malted."

It was alleged in the libel that the article was adulterated in that an artificially flavored and colored imitation grape sirup had been substituted in part for the said article, and in that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the labels, above described, bore statements which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 24, 1930, no claimant having appeared for the property, judgment of 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.*

17580. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25056. I. S. No. 2451. S. No. 3308.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 29, 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 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Walker Creamery, from Walker, Minn., on or about July 17, 1930, and had been transported from the State of Minnesota 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 with it so as to reduce or lower or injuriously affect its quality, 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 30, 1930, Hunter, Walton & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed 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 a bond in the sum of \$300, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17581. Adulteration and misbranding of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24973. I. S. No. 2357. S. No. 3280.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 14, 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, remaining in the original unbroken packages