

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, 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.*

19424. Adulteration of bluefin herring. U. S. v. 3 Boxes of Bluefin Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28034. I. S. No. 52142. S. No. 6073.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 1, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three boxes of herring at Chicago, Ill., alleging that the article had been shipped by H. Mickelson from Two Harbors, Minn., on or about March 29, 1932, and had been transported from the State of Minnesota 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 it consisted in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On May 11, 1932, 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.*

19425. Misbranding of butter. U. S. v. David P. Clow (Moffat County Creamery Co.). Plea of guilty. Fine, \$5. (F. & D. No. 25730. I. S. Nos. 11991, 11992.)

Sample packages of butter taken from the shipments herein described having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against David P. Clow, trading as the Moffat County Creamery Co., Craig, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in part on or about December 8, 1930, and in part on or about December 10, 1930, from the State of Colorado into the State of Wyoming, of a quantity of butter that was misbranded. The article was labeled in part: "Yampa Valley Butter * * * One Pound Net Moffat County Creamery * * * Craig, Colorado."

It was alleged in the information that the article was misbranded in that the statement "One Pound Net," borne on the packages, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages each contained 1 pound of butter; whereas the packages 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 statement made was incorrect.

On October 28, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19426. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 15 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25475. I. S. No. 9151. S. No. 3734.)

Samples of canned tomatoes from the shipment herein described having been found to contain added tomato puree, pulp, or juice, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of West Virginia.