

On February 2, 1932, no claimant having appeared for the property, judgment was entered ordering that the product be forfeited and destroyed. On February 6, the court entered an order directing that the destruction be delayed in order to ascertain whether the apples could be treated and made fit for human consumption and disposed of for charitable purposes without expense to the Government and, if so, that such treatment and disposition be made of the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19552. Misbranding of butter. U. S. v. Glenville Creamery Association. Plea of guilty. Fine, \$40. (F. & D. No. 26679. I. S. Nos. 29345, 30084.)

This action was based on the interstate shipments of two lots of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On January 19, 1932, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Glenville Creamery Association, a corporation, Glenville, Minn., alleging shipment by said company in violation of the food and drugs act, on or about March 18 and March 25, 1931, from the State of Minnesota into the State of New York of quantities of butter that was misbranded. The article was labeled in part: "Pasteurized Sweet Cream Butter."

It was alleged in the information that the article was misbranded in that the statement "Butter," borne on the tubs containing the said article, was false and misleading, since the said statement represented that the article was butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, whereas it contained less than 80 per cent by weight of milk fat.

On January 19, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19553. Misbranding of butter. U. S. v. Frye & Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 27434. I. S. No. 22284.)

This action was based on the interstate shipment of a quantity of butter, sample packages of which were found to contain less than 1 pound net, the declared weight.

On January 19, 1932, 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 the district aforesaid an information against Frye & Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the food and drugs act, on or about June 5, 1931, from the State of Washington into the Territory of Alaska, of a quantity of butter that was misbranded. The article was labeled in part: (Retail package) "Wild Rose Fancy Creamery Butter. The Best One Pound Net Weight."

Misbranding of the article was alleged in the information for the reason that the statement, "One Pound Net Weight," borne on the packages, was false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the packages contained less than 1 pound net of the article.

On February 8, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19554. Misbranding of clam nectar. U. S. v. 10 Cases of Clam Nectar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27717. I. S. No. 22494. S. No. 5807.)

This action was based on a shipment of canned clam nectar, in which the cans were found to contain less than the declared weight. Samples also were found to fall below the standard of fill of container promulgated by this department.

On February 5, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 10 cases of clam nectar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article