

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as "butter", which was false and misleading, since it contained less than 80 percent of milk fat.

On August 17, 1932, Gallagher Bros., Inc., 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 to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20235. Adulteration of butter. U.S. v. 78 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28849. Sample no. 9364-A.)

This action involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 13, 1932, the United States attorney for the District of Massachusetts, 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 78 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about August 8, 1932, alleging that the article had been shipped in interstate commerce by the North American Creameries, Inc., from Oakes, N.Dak., to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter should contain not less than 80 percent by weight of milk fat.

On August 18, 1932, claimant having appeared and 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 \$1,200, conditioned in part that it be reworked under the supervision of this Department, so that it contain at least 80 percent of butterfat.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20236. Adulteration of poppy seed. U.S. v. 12 Bags of Poppy Seed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28795. Sample no. 9356-A.)

This case involved the interstate shipment of a quantity of poppy seed which was found to contain rodent excreta and evidence of insect infestation.

On August 26, 1932, the United States attorney for the District of Massachusetts, 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 12 bags of the said poppy seed, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in foreign commerce on or about April 6, 1932, by Wambersie & Zoon, as agents for Geisderver & Vermeys, from Amsterdam, Netherlands, to Boston, Mass., 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 vegetable substance.

On September 20, 1932, the D. & L. Slade Co., Boston, Mass., 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 deposit of cash bond in the sum of \$200, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and all other laws. It was further ordered by the court that all foreign matter of a filthy nature be removed from the product under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*