

the purchaser. 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 November 3, 1932, the Red Wing Co., Inc., Fredonia, N.Y., 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 delivered to the claimant upon payment of costs and the deposit of \$800 in lieu of bond, conditioned that it be relabeled under the supervision of this Department to show the true quantity of the contents.

M. L. WILSON, *Acting Secretary of Agriculture.*

21631. Adulteration of butter. U. S. v. 100 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 31168. Sample no. 38297-A.)

This case 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 established by Congress.

On September 15, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped on or about September 8, 1933, by Arrow Creamery Co., from Salt Lake City, Utah, 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, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On September 21, 1933, the Arrow Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant to be reworked under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$700.

M. L. WILSON, *Acting Secretary of Agriculture.*

21632. Adulteration of huckleberries. U. S. v. 12 Baskets of Huckleberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31164. Sample no. 42666-A.)

This case involved a shipment of huckleberries that were filthy or decomposed.

On September 11, 1933, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 baskets of huckleberries at Cincinnati, Ohio, consigned by B. Sipe, alleging that the article had been shipped in interstate commerce on or about August 9, 1933, from Islandford, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "B. Sipe, Islandford, Va."

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

On October 17, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21633. Misbranding of canned boneless chicken. U. S. v. 19½ Dozen Jars of Canned Chicken. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 31163. Sample no. 55507-A.)

Sample jars of boneless chicken taken from the shipment involved in this case were found to contain less than 11 ounces, the labeled weight.

On September 27, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19½ dozen jars of canned boneless chicken at Philadelphia, Pa., alleging that the article had been shipped on or about June 1, 1933, by Elmwood Farm, from North Leominster, Mass., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Elmwood Farm Boneless