

that the article was an imitation and was not plainly labeled as such, since the word "Imitation" was relatively inconspicuous when compared with the word "Vanilla." Misbranding was alleged with respect to the product contained in the smaller bottles for the further reason that the statement "3 Fl. Ozs." borne on the label, was false and misleading since the bottles contained less than 8 fluid ounces; and 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 February 28 and April 2, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25792. Misbranding of canned shrimp. U. S. v. 15 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 87209. Sample no. 65801-B.)

This case involved canned shrimp which was labeled to convey the impression that it had been packed under Federal inspection. Examination showed that it was packed at a plant which was not under Federal inspection.

On February 15, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of canned shrimp at Brockton, Mass., alleging that the article had been shipped in interstate commerce on or about September 6, 1935, by the Deer Island Fish & Oyster Co., from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wild Rose * * * Production Supervised by U. S. Food and Drug Administration. Wet Pack Shrimp. Packed for R. F. Owens Co. * * * Brockton, Mass."

The article was alleged to be misbranded in that the statement on the label, "Production Supervised by U. S. Food and Drug Administration", was false and misleading and tended to deceive and mislead the purchaser, since its production had not been supervised by the United States Food and Drug Administration.

On March 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25793. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 37239. Sample no. 65590-B.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On January 24, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Somerville, Mass., consigned about January 15, 1936, alleging that the article had been shipped in interstate commerce by the Pipestone Produce Co., from Pipestone, Minn., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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 by weight of milk fat, as provided by the act of Congress of March 4, 1923.

On January 30, 1936, the Pipestone Produce Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under cash bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

25794. Adulteration of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 37240. Sample no. 40871-B.)

This case involved butter which contained less than 80 percent by weight of milk fat.

On December 20, 1935, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cubes of butter at Seattle, Wash., consigned by the Huggins Dairy, Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about