Adulteration was alleged in substance in that the article was infested with insects and was filthy and decomposed.

On November 12, 1938, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29821. Adulteration of tullibees. U. S. v. 6 Boxes of Fresh Fish (Tullibees). Consent decree of condemnation and destruction. (F. & D. No. 44229. Sample No. 32903–D.)

This product was infested with parasitic worms.

On October 13, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six boxes of fresh fish at Chicago, Ill.; alleging that the article had been shipped in interstate commerce on or about October 5, 1938, by Booth Fisheries Corporation from Warroad, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance and in that it consisted of portions of animals unfit for food.

On October 15, 1938, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29822. Adulteration of butter. U. S. v. The Fairmont Creamery Co. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, $10. (F. & D. No. 40829. Sample Nos 62015–C, 62137–C.)

This product contained less than 80 percent of milk fat.

On June 2, 1938, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fairmont Creamery Co., a corporation having its principal place of business at Omaha, Nebr., and trading at Devils Lake, N. Dak.; alleging shipment by said defendant in violation of the Food and Drugs Act, on or about November 23, 1937, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product which contained 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 prescribed by act of March 4, 1923.

On November 4, 1938, a plea of not guilty having been entered, the court on the facts submitted by the attorneys for both sides, found the defendant guilty and imposed a fine of $10.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29823. Adulteration and misbranding of butter. U. S. v. Rye Co-operative Creamery Association. Plea of guilty. Fine, $25. (F. & D. No. 42590. Sample Nos. 27358–D, 27372–D.)

This product was short weight, and a portion was deficient in milk fat.

On October 11, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rye Co-operative Creamery Association, Rye, Colo., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 1 and June 8, 1938, from the State of Colorado into the State of New Mexico, of quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Rye Butter Sweet Cream Butter * * * One Pound Net Weight."

A portion of the article was alleged to be adulterated in that a product which contained 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 prescribed by act of March 4, 1923.

The said portion was alleged to be misbranded in that the statement "Butter" was false and misleading since the article was not butter as defined by law but was a product which contained less than 80 percent of milk fat; both lots were alleged to be misbranded in that the statement "One Pound Net Weight," on the carton, was false and misleading and was borne on the carton so as to