packages, since the net quantity stated was more than the actual contents of the said packages.

On June 23, 1922, the Bay Bee Oil Co., New York, N. Y., claimant, having consented to 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 upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10916. Adulteration and misbranding of butter. U. S. v. 52 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16801. I. S. No. 2536-v. S. No. E-4169.)

On September 8, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 52 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Stores Co., from Grantsburg, Wis., alleging that the article had been shipped from Grantsburg, Wis., on or about August 23, 1922, and transported from the State of Wisconsin into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pasteurized Net 63 Lbs. American Stores Co. Philadelphia, Pa. * * *."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butter fat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 2, 1922, the Farmers Cooperative Creamery Society having entered an appearance as claimant for the property, 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 the costs of the proceedings and the execution of a bond in the sum of $2,500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10917. Adulteration and misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16809. S. No. E-4177.)

On September 13, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 sacks of potatoes, remaining unsold in the original unbroken packages at New York, N. Y., consigned by Chamberlain and Barclay, Hightstown, N. J., alleging that the article had been shipped from Hightstown, N. J., September 7, 1922, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "U. S. Grade No. 1, Chamberlain and Barclay, Hightstown, N. J."

Adulteration of the article was alleged in the libel for the reason that potatoes of a lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "U. S. Grade No. 1" was false and misleading, and deceived and misled the purchaser.

On September 29, 1922, Chamberlain and Barclay, Hightstown, N. J., claimants, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that the sacks containing the said product be relabeled "Field Run Potatoes containing 19% serious defects 145 Pounds," under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*