part that it should not be used, sold, or disposed of until made to comply with the Federal food and drugs act, compliance with said condition to be determined by this department.

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

15771. Adulteration and misbranding of butter. U. S. v. 34 Cases of Creamery Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22788. I. S. No. 21595–x. S. No. 781.)

On or about April 20, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 34 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Elberton Creamery, Inc., from Elberton, Ga., April 14, 1928, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pure Creamery Butter, One Pound Net."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading and tended to deceive and mislead the purchaser, in that the said statement represented that the article consisted wholly of butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not consist wholly of butter but did consist of a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the statement "One Pound" was not correct, as the packages contained less than 1 pound.

On April 27, 1928, the Elberton Creamery, Inc., Elberton, Ga., 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 the execution of a bond in the sum of $850, conditioned in part that it be reworked so that each package contain 16 ounces of butter net weight, and so as to conform with the provisions of the Federal food and drugs act.

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

15772. Adulteration and misbranding of white pepper, black pepper, red pepper, nutmeg, and cloves. U. S. v. 40 Cases of Ground White Pepper, et al. Products adjudged adulterated and misbranded, and ordered released under bond. (F. & D. Nos. 22486, 22487, 22509, 22617. I. S. Nos. 23176–x, 23177–x, 23179–x, 23180–x, 23188–x, 23192–x, 23194–x. S. Nos. 607, 630, 632.)

On March 2, March 5, and March 7, 1928, respectively, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 950 cases of black pepper, 40 cases of white pepper, 40 cases of red pepper, 59 cases of nutmeg, and 10 cases of cloves, in various lots at Muskogee, Seminole, and Holdenville, Okla., respectively, alleging that the articles had been shipped by the Biston Coffee Co., St. Louis, Mo., between the dates of October 25, 1927, and December 23, 1927, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, variously: "Polar Bear Black Pepper, Net Weight 1½ Ounces;" "Polar Bear Highest Quality Red Pepper, Net Weight 1½ Ounces;" "Polar Bear White Pepper, Net Weight 1½ Ounces."

Adulteration was alleged in the libels with respect to a portion of the black pepper and the red pepper for the reason that cornstarch had been mixed and packed with and substituted in part for the articles. Adulteration was alleged

with respect to the cloves for the reason that foreign materials had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the nutmeg for the reason that cornstarch and ginger had been mixed and packed with and substituted in part for the article. Adulteration was alleged with respect to the said white pepper for the reason that cornstarch and ground rice had been mixed with and substituted in part for the article.

Misbranding was alleged with respect to a portion of the black pepper, the red pepper, the nutmeg, the cloves, and the white pepper for the reason that the statements, to wit, "Black Pepper," "Red Pepper," "Cloves," "Nutmeg," and "Ground White Pepper," borne on the respective labels, were false and misleading and deceived and misled the purchaser, and for the further reason that they were offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the black pepper, the cloves, and nutmeg for the reason that the statement "Net Weight 1½ Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the said articles were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having filed bonds for the release of the products in the total amount of $2,707.52, decrees were entered finding all material allegations of the libels to be true, and it was ordered by the court that the products be released to the said claimant, upon payment of the costs of the proceedings, to be relabeled under the supervision of this department.

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

15773. Misbranding of alfalfa meal, pulverized whole oats, and ground alfalfa. U. S. v. 90 Sacks of Alfalfa Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 745-c. I. S. Nos. 2970-x, 2971-x, 2972-x. S. No. 509.)

On December 31, 1927, the United States attorney for the District of Kansas, acting upon a report by the Kansas State food and drug inspector, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 90 sacks of alfalfa meal, 99 sacks of pulverized whole oats, and 50 sacks of ground alfalfa, remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the Grain Belt Mills Co., from St. Joseph, Mo., on or about December 22, 1927, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and in that the net weight was not indicated on said packages.

On January 31, 1928, the Grain Belt Mills Co., St. Joseph, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the products 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, conditioned in part that they should not be sold or offered for sale in violation of the law.

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

15774. Misbranding of wheat middlings. U. S. v. 300 Sacks of Standard Wheat Middlings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 744-c. I. S. No. 2966-x. S. No. 306.)

On November 1, 1927, the United States attorney for the District of Kansas, acting upon a report by the Kansas State food and drug inspector, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of standard wheat middlings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by the International Milling Co., Sioux City, Iowa, on or about October 12, 1927, and transported from the State of Iowa into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the weight of each sack was not plainly shown on the outside thereof, and in that the