feiting the product, and it was ordered by the court that upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned that the good portion of the product be separated from the bad portion, the good portion be released to the claimant, otherwise that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12571. Adulteration of shell eggs. U. S. v. 129 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17733. I. S. No. 7025–v. S. No. C–4078.)

On July 24, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 129 cases of eggs remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Plainview Produce Co., from Plainview, Nebr., July 18, 1923, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 13, 1923, John V. McCarthy & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of 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 $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Secretary of Agriculture.*

12572. Misbranding and alleged adulteration of butter. U. S. v. 12 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18404. I. S. No. 15157–v. S. No. E–4748.)

On February 20, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, a libel praying the seizure and condemnation of 12 cases, each containing 30 pounds of butter, alleging that the article was being offered for sale and sold in the District of Columbia, in violation of the food and drugs act, by the Potomac Butter Co., Washington, D. C., and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the cartons containing the article, was false and misleading in that the said statement represented that the cartons contained butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained butter, whereas they did not but contained a product deficient in butterfat.

On April 16, 1924, the De Soto Creamery & Produce Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further 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 $150, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*