12683. Adulteration of butter. U. S. v. 61 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18858. I. S. No. 19010-v. S. No. E-3937.)

On July 28, 1924, 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 praying the seizure and condemnation of 61 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hazen Creamery Co., from Hazen, N. D., July 15, 1924, and transported from the State of North Dakota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted in part for the said article and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted therefrom.

On September 18, 1924, the Hazen Creamery Co., Hazen, N. D., 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 $1,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12684. Adulteration of shell eggs. U. S. v. 23 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17736. I. S. No. 11439-v. S. No. W-1401.)

On or about July 19, 1923, the United States attorney for the District of Colorado, 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 23 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by K. S. Hust, Culbertson, Nebr., alleging that the article had been shipped from Culbertson, Nebr., on or about July 9, 1923, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "K. S. Hust. Produce Dealer Culbertson, Nebr."

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, to wit, of decomposed and rotten eggs.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12685. Adulteration of mixed liquid eggs. U. S. v. 550 Cans of Mixed Liquid Eggs. Decree entered ordering portion of product destroyed and remainder released. (F. & D. No. 18375. I. S. No. 4024-v. S. No. C-4281.)

On February 13, 1924, the United States attorney for the Eastern District of Wisconsin, 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 550 cans of mixed liquid eggs, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Swift & Co., from Des Moines, Iowa, on or about September 17, 1923, and transported from the State of Iowa into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sanitary Eggs Swift & Company 30 Pounds Net."

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

On July 1, 1924, Swift & Co. having appeared as claimant for the property, and it having appeared that 373 cans of the 459 cans actually seized were unfit for food and that the remaining 86 cans were fit for food, a decree of the court was entered, ordering that the bad portion be destroyed by the United States marshal and the remainder released to the claimant, and that the said claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*