substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the label, was false and misleading, in that the said statement represented that the product was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter as defined by law, but was a product which contained less than 80 per cent by weight of milk fat.

On May 3, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20 and costs.

W. M. JARDINE, *Secretary of Agriculture*.

14476. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21179. I. S. No. 14003-x. S. No. C-5178.)

On or about June 23, 1926, 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 seizure and condemnation of 10 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Adair Creamery Co., from Adair, Iowa, June 10, 1926, and transported from the State of Iowa 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 a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom and for the further reason that it contained less than 80 per cent of butterfat.

On June 26, 1926, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having 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, conditioned in part that it be reprocessed under the supervision of this department so that it contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture*.

14477. Adulteration of tomato catsup. U. S. v. 11½ Cases and 28 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20642. I. S. Nos. 1938-x, 1939-x. S. No. C-4859.)

On November 24, 1925, the United States attorney for the Southern District of Ohio, 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 11½ cases containing bottles, and 28 cases containing jugs, of tomato catsup, at Dayton, Ohio, consigned by the De Schipper Canning Co., Carthage, Ind., October 3, 1925, alleging that the article had been shipped in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kardinal Brand Tomato Catsup * * * Manufactured By De Schipper Canning Co., Carthage, Ind."

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 vegetable substance.

On February 3, 1926, the DeSchipper Canning Co., Carthage, Ind., claimant, having admitted the allegations of the libel and having 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 to be salvaged, or relabeled under the supervision of this department, 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.

W. M. JARDINE, *Secretary of Agriculture*.