12147. Misbranding of butter. U. S. v. 218 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18420. I. S. No. 1732–v. S. No. C–4302.)

On February 26, 1924, 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 218 boxes of butter, at Chicago, Ill., alleging that the article had been shipped by the Beatrice Creamery Co., from Lincoln, Nebr., February 16, 1924, and transported from the State of Nebraska into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the cartons containing the article, to wit, "One Pound Net," was false and misleading and deceived and misled the purchaser, in that it represented that each of the said cartons contained 1 pound net of the article, whereas each of said cartons contained less than 1 pound net of the said article. Misbranding was alleged for the further reason that the article was food in package form and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On March 12, 1924, the Beatrice Creamery Co., Lincoln, Nebr., claimant having admitted the material allegations in 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, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department so that each package would contain 1 pound net, or that the correct net weight would be stated on the package.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12148. Adulteration of raisins and alleged adulteration of prunes. U. S. v. 41 Cases of Prunes and 18 Cases of Raisins. No seizure made of prunes. Default order providing for destruction of raisins. (F. & D. No. 16894. I. S. Nos. 5480–v, 5481–v. S. No. C–3826.)

On October 28, 1922, the United States attorney for the District of Minnesota, 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 41 cases of prunes and 18 cases of raisins, at Minneapolis, Minn., consigned by the Milbank Mercantile Co., Milbank, S. Dak., alleging that the article had been shipped from Milbank, S. Dak., October 14, 1922, and transported from the State of South Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "From Milbank Mercantile Co. * * * Milbank, South Dakota;" "Milbank Merc. Co. Milbank, S. D."

Adulteration of the articles was alleged in the libel for the reason that they consisted wholly or in part of filthy, decomposed, and putrid vegetable substances.

On February 14, 1923, no seizure of the prunes having been effected, on affidavit of the United States attorney that the raisins were infested with bugs and unfit for food and that no appearance or claim had been entered therefor, it was ordered by the court that the said raisins be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12149. Adulteration of canned salmon. U. S. v. 50 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16860. S. No. C–3810.)

On September 29, 1922, the United States attorney for the Northern District of Texas, 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 50 cases of salmon, remaining in the original cases at Dallas, Tex., alleging that the article had been shipped by the Canadian Bank of Commerce, Seattle, Wash., July 28, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."