15888. Adulteration of fig paste. U. S. v. 350 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22036. I. S. No. 17376-x. S. No. 78.)

On August 27, 1927, the United States attorney for the Western District of Washington, 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 350 cases of fig paste, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Rosenberg Bros. Co., from San Francisco, Calif., August 3, 1927, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act.

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

On October 14, 1927, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15889. Misbranding of butter. U. S. v. 27 Boxes of Butter. Product ordered released under bond. (F. & D. No. 21986. I. S. No. 14216-x. S. No. E-5219.)

On June 18, 1927, the United States attorney for the Northern District of West Virginia, 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 27 boxes of butter at Wheeling, W. Va., alleging that the article had been shipped by the Caldwell Creamery Co., Caldwell, Ohio, on or about June 6, 1927, and had been transported from the State of Ohio into the State of West Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Caldwell Creamery Butter Caldwell Creamery Company, Caldwell, Ohio."

It was alleged in the libel that the article was misbranded in that the statement, "Butter," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that it consisted wholly of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, contrary to the act of March 4, 1923, amending the said food and drugs act, which defined the word "butter" under said act.

On September 8, 1927, the Caldwell Produce Co., Caldwell, Ohio, having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of $500, conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15890. Adulteration of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 22911. I. S. No. 02453. S. No. 950.)

On or about July 9, 1928, the United States attorney for the District of Massachusetts, 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 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 29, 1928, alleging that the article had been shipped by the Rewey Creamery Co., Rewey, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which said article purported to be, the act of Congress approved March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On July 19, 1928, the Rewey Creamery Co., Rewey, Wis., 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 payment of the costs of the proceedings and the deposit of $600 collateral, in lieu of bond, con-