On November 7, 1931, no claimant having appeared for the property, and the court having been requested to order destruction of the product in view of its spoiled condition, judgment was entered ordering its immediate destruction by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19210. Adulteration of butter. U. S. v. Prairie River Cooperative Dairy Co. Plea of guilty. Fine, $50. (F. & D. No. 25719. I. S. No. 13712.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Wisconsin.

On June 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Prairie River Cooperative Dairy Co., a corporation, Gleason, Wis., alleging shipment by said company in violation of the food and drugs act, on or about October 20, 1930, from the State of Wisconsin into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On August 13, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19211. Adulteration and misbranding of scallops. U. S. v. H. Allen Smith (H. Allen Smith & Co.). Plea of guilty. Fine, $100. Sentence suspended. (F. & D. No. 26588. I. S. Nos. 28967, 28968, 28974.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against H. Allen Smith, trading as H. Allen Smith & Co., Cheriton, Va., alleging shipments by said defendant in violation of the food and drugs act, in various consignments, on or about March 3, 1931 and March 5, 1931, from the State of Virginia into the State of New York, of quantities of scallops that were adulterated and misbranded. A portion of the article was labeled: (Can) "Scallops."

Adulteration was alleged in the information in that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the article was composed in part of excessive water and was deficient in scallop solids, and was offered for sale and sold under the distinctive name of another article, to wit, scallops. Misbranding was alleged with respect to a portion of the article for the further reason that the statement, "Scallops," borne on the can containing the said portion, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops; whereas it did not so consist, but did consist in part of excessive water.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of $100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19212. Adulteration and misbranding of scallops. U. S. v. Preston Lowe. Plea of guilty. Fine, $150. Sentence suspended. (F. & D. No. 26589. I. S. Nos. 15416, 15758, 15779, 20301, 20303, 20308, 20311, 20312, 20317, 20321, 20322.)

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.