

from the State of Oklahoma into the State of Illinois of a quantity of butter which was adulterated.

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

On December 17, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26723. Adulteration and misbranding of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38700. Sample no. 12524-C.)**

This case involved butter which was deficient in milk fat and which contained filth.

On November 13, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce by C. P. Gevedon, from Panama, Ky. (consigned about November 10, 1936), and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923; and in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

The article was alleged to be misbranded in that it was sold and purported to be butter, whereas it should contain not less than 80 percent by weight of milk fat as prescribed by law.

On December 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26724. Misbranding of canned salmon. U. S. v. 600 Cartons of Canned Salmon. Product released under bond to be relabeled. (F. & D. no. 38713. Sample no. 21478-C.)**

This case involved canned salmon that was labeled "Pink Salmon", but a part of which consisted of chum salmon.

On November 25, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cartons of canned salmon at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 12, 1936, by Wesco Foods, Inc., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "North Bay Brand Pink Salmon \* \* \* Distributed by Wesco Foods Company General Offices, Cincinnati, Ohio."

The libel alleged that a part of the product was misbranded in that the statement "Pink Salmon", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not pink salmon but which was chum salmon.

On December 23, 1936, the Kroger Grocery & Baking Co., St. Louis, Mo., having appeared as claimant, judgment was entered, finding that a part of the product identified by a certain code mark was mislabeled, and ordering that said mislabeled portion be separated from the remainder and relabeled in conformity with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26725. Misbranding of alfalfa meal. U. S. v. 228 Bags of Alfalfa Meal. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38717. Sample no. 2603-C.)**

This case involved alfalfa meal that contained less protein and fat and more fiber than declared on the label.

On November 27, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 bags of alfalfa meal at Black River Falls, Wis., alleging that the article had been shipped in interstate commerce on or about August 26, 1936, by the Pecos Valley Alfalfa Mill Co., from Rupert, Idaho, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it was labeled as follows: "Pecos Special Alfalfa Meal 100 Lbs. Net Made by The Pecos Valley Alfalfa Mill Company Hagerman, New Mexico Guaranteed Analysis Protein 13.0 Per Cent Fat 1.5 Per Cent Nitro. Free Extract Carbohydrates 36.0 Per Cent, Fibre 33.0 Per cent Made from Alfalfa Hay", which label was false and misleading and misled purchasers since the article contained less protein, less fat, and more fiber than stated on the label.

On December 21, 1936, the Pecos Valley Alfalfa Mill Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*