The article was alleged to be adulterated in that a product deficient in milk fat had been substituted for butter, which the article purported to be; and 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. The article was alleged to be misbranded in that it was sold as and purported to be butter, when it should have contained not less than 80 percent by weight of milk fat as prescribed by said act of March 4, 1923.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26086. Misbranding of butter. U. S v. 30 Cases of Butter. Consent decree of condemnation. Product released under bond for reconditioning. (F. & D. no. 37683. Sample no. 46724–B.)

This case involved an interstate shipment of butter that contained less than 80 percent of milk fat.

On January 29, 1936, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of butter at Honolulu, Hawaii, alleging that the article had been shipped in interstate commerce on or about January 20, 1936, by Theo. H. Davies & Co., from San Francisco, Calif., and that it was misbranded in violation of the Food and Drugs Act. The article, contained in 1-pound cartons, each containing four 4-ounce wrapped prints, was labeled in part: (Cartons) "Isleton Creamery Butter Quarters and The Fat of the Land Net Weight One Pound"; (print wrappers) "Isleton Gems The Fat of the Land First Quality Pasteurized Butter Net Weight Four Ounces Distributed by O. Casperson & Sons San Francisco, California."

The article was alleged to be misbranded in that the said statements on the cartons and on the print wrappers were false and misleading and deceived and misled the purchaser, since they represented that the article was butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923; whereas the article in fact contained less than 80 percent by weight of milk fat.

On January 29, 1936, T. H. Davies & Co., Ltd., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reconditioned and repacked.

W. R. GREGG, *Acting Secretary of Agriculture.*

26087. Adulteration of canned salmon. U. S. v. 10,433 and 632 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. nos. 37687, 37692. Sample nos. 66887–B, 73451–B, 73453–B, 73458–B.)

These cases involved shipments of canned salmon that was in part decomposed.

On April 27 and April 28, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 11,065 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by San Juan Fishing & Packing Co., from Port San Juan, Alaska, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Black Top Brand Select Pink Salmon Distributed by Kelley-Clarke Company Seattle Washington"; (can) "Black Top Brand Select Pink Salmon." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On May 15, 1936, the San Juan Fishing & Packing Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*