The article was alleged to be misbranded in that the statement on the label, "One Pound Net Weight", was false and misleading and tended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the label, since the statement made was incorrect.

On January 31, 1935, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24222. Misbranding of brandy. U. S. v. 4¾ Cases, et al., of Brandy. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33435. Sample nos. 7151–B, 7152–B, 7153–B.)

This case involved interstate shipments of three lots of brandy which was found to contain a smaller proportion of alcohol than declared on the label. Two of the lots were found to be short in volume.

On or about September 12, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13¼ cases of brandy at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about June 7 and June 8, 1934, by the Old Prescription Co., Inc., from Jersey City, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Belle of France Brand Straight Brandy 90 Proof An American Product Old Prescription Co. Jersey City, N. J. Contents 25/32 of a Quart [or "Contents ¾ of 1 Pint" or "Contents 1 Pint"]."

The article was alleged to be misbranded in that the statement "90 Proof" appearing on the label, was false and misleading and tended to deceive and mislead the purchaser, since the alcohol contained was found to be less than 90 proof. Misbranding was alleged with respect to portions of the product for the further reason that the statements on the labels, "Contents 25/32 of a Quart" and "Contents 1 Pint", were false and misleading and tended to deceive and mislead the purchaser, since the bottles were short of the declared volume. Misbranding of the said lots that were short volume was alleged for the further reason that the article was food in package form and the quantity of its contents was not plainly and conspicuously marked on the outside of the package since the statements made were incorrect.

On January 5, 1935, the Old Prescription Co., Inc., having appeared as claimant for the property, 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.*

24223. Adulteration of packing stock butter. U. S. v. 1 Barrel and 1 Pail of Packing Stock Butter. Default decree of destruction. (F. & D. no. 33490. Sample no. 3653–B.)

This case involved an interstate shipment of packing stock butter which was found to contain filth.

On August 30, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel and 1 pail of packing stock butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about May 28, 1934, by the Fargo Creamery & Produce Co., from Fargo, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

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

On January 18, 1935, no claimant having appeared, judgment was entered ordering that the product be destroyed.

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

24224. Adulteration and misbranding of butter. U. S. v. 600 Cases of Roll Butter. Product ordered released under bond. (F. & D. no. 33491 Sample no. 2441–B.)

This case involved an interstate shipment of butter that was deficient in milk fat and was short weight.