the district court a libel praying seizure and condemnation of five cases of butter at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about August 22, 1934, by the Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Parchment wrapper) "4 Oz. Net Weight"; (carton) "One Pound Net Weight Ferndale Creamery Butter Manufactured by Davis-Cleaver Produce Co., Quincy, Ill."

The article was alleged to be adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality, and had been substituted wholly or in part for the article.

Misbranding was alleged in that the statements, "4 Oz. Net Weight" and "One Pound Net Weight", were false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On October 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

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

23324. Adulteration of butter. U. S. v. 7 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 33611. Sample no. 4880–B.)

This case involved a shipment of butter that was found to contain maggots, parts of insects, animal hairs, wood splinters, mold, and other filth.

On September 20, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about September 17, 1934, by J. F. Livesay, from Morristown, Tenn., 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 November 3, 1934, 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.*

23325. Misbranding of salad oil. U. S. v. Five One-Half Gallon Cans, et al., of Salad Oil. Default decrees entered. Portion of product condemned and destroyed. Remainder delivered to charitable organizations. (F. & D. nos. 33612, 33613. Sample nos. 6770–B, 6771–B, 6775–B.)

These cases involved a product that consisted of domestic cottonseed oil, and olive oil, consisting essentially of domestic cottonseed oil, which was labeled to convey the impress that it was olive oil of foreign origin.

On October 4, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 5 half-gallon cans, 23 quarter-gallon cans, and 16 gallon cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce, in various lots, on or about May 22, July 9, and August 7, 1934, by the Modern Packing Co., from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Olio Fino Balbo Brand Tipo Lucca * * * Packed by Modern Packing Co. Brooklyn, N. Y." The remainder was labeled in part: "Olio Fino La Preziosa Brand Tipo Lucca."

Misbranding of the "Balbo Brand" was alleged for the reason that the statements, "Olio Fino Balbo Brand Tipo Lucca, * * * Fine Oil", together with the designs of olive branches and coat of arms with crown, appearing on the labels, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the article was imported olive oil; whereas it consisted essentially of domestic cottonseed oil, and this impression was not corrected by the inconspicuos statement at the bottom of the label, "Twenty Percent Olive Oil Eighty Percent Salad Oil." Misbranding of the "Le Preziosa Brand" was alleged for the reason that the statements, Olio Fino La Preziosa Brand Tipo Lucca, * * * Fine Oil", together with