It was alleged in the libel that the article was 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 of milk fat as provided by the act of March 4, 1923.

On April 24, 1934, the Farmers Cooperative Creamery Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $300, conditioned that it be reworked to the legal standard.

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

22460. Adulteration and misbranding of butter. U. S. v. 71 Pounds of Print Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32637. Sample no. 64371–A.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat. Sample packages taken from the shipment were also found to contain less than 1 pound, the labeled weight.

On March 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 71 pounds of butter at Harvey, Ill., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Hoosier State Creamery, from Rensselaer, Ind., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Hoosier Maid Butter One Pound Net * * * Rensselaer, Indiana."

It was alleged in the libel that the article was 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 of milk fat as provided by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading, since it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the statement on the label, "One Pound Net", was false and misleading, and 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 outside of the package, since the statement made was not correct.

On April 6, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

22461. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32638. Sample no. 67366–A.)

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

On March 9, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about March 1, 1934, from the Alta Vista Farmers Creamery Association, Alta Vista, Iowa., for the Fredericksburg Butter Factory, Fredericksburg, Iowa, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On March 16, 1934, the Fredericksburg Butter Factory, Fredericksburg, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $400, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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