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 December 4, 1933, the Meadow Gold Dairies, Inc., Billings, Mont., 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 $200, conditioned that it be reworked under the supervision of this Department so as to conform to the Food and Drugs Act.

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

21868. Misbranding of olive oil. U. S. v. 87 Cans of Olive Oil. Product released under bond for repacking. (F. & D. no. 31659. Sample no. 61378–A.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than one-half gallon, the declared volume.

On November 29, 1933, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 cans of olive oil at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about September 23, October 16, and November 7, 1933, by Monteverde & Parodi, from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Extra Fine Olive Oil Half Gallon."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Half Gallon", was false and misleading and deceived and misled 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 outside of the package, since the statement made was incorrect.

The Italian Importing Co., Salt Lake City, Utah, filed a claim and answer praying release of the product and admitting the allegations of the libel. On January 10, 1934, costs having been paid and a good and sufficient bond filed, a decree was entered ordering release of the product to the claimant on condition that it be repacked in properly labeled 5-gallon cans.

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

21869. Adulteration of fresh chestnuts. U. S. v. 652 Boxes of Fresh Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond for the purpose of selecting the good from the bad. (F. & D. no. 31672. Sample nos. 64042–A, 64043–A, 64050–A to 64052–A incl.)

This case involved an interstate shipment of chestnuts that were found to be in part decomposed.

On or about December 8, 1933, 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 652 boxes of fresh chestnuts at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 21, 1933, by the Pacific Trading Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part "Fresh Chestnuts Grown in Japan."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On January 5, 1934, the Pacific Trading Co., claimant, having admitted the allegation of the libel and 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 for the purpose of selecting and picking the good from the bad, under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of $1,000, conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act and all other laws.

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