it contained excess packing medium, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29192. Adulteration of marshmallows. U. S. v. 77 Cases of Marshmallows. Default decree of condemnation and destruction. (F. & D. No. 42259. Sample No. 18706–D.)

This product contained small slivers of wood, insect fragments, and rodent hairs.

On April 27, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 77 cases of marshmallows at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 29, 1938, from Los Angeles, Calif., by Wonderfood Marshmallow Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wonderfood Marshmallows * * * Wonderfood Marshmallow Co., Los Angeles."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 23, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29193. Misbranding of marshmallows. U. S. v. 100 Cases of Marshmallows. Consent decree of condemnation. Product released under bond for relabeling or repacking. (F. & D. No. 42503. Sample No. 19106–D.)

This product was short weight.

On June 2, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of marshmallows at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 13, 1938, from Los Angeles, Calif., by Doumak's Marshmallow Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Doumak's Snow-White Marshmallows * * * Doumak's Marshmallow Co., Los Angeles, Calif."

It was alleged to be misbranded in that the statement on the label, "Net Weight 16 Oz.," was false and misleading and tended to deceive and mislead the purchaser when applied to an article which was short weight; and in that it 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 quantity stated was not correct.

On June 27, 1938, J. Doumaks, trading as Doumak's Marshmallow Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled, or repacked to the full weight.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29194. Adulteration and misbranding of peanut butter. U. S. v. 24 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. & D. No. 42315. Sample No. 16350–D.)

This product contained insect fragments and was short weight.

On May 6, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of peanut butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about May 15, 1937, from Brundidge, Ala., by Southern Foods, Inc. (J. D. Johnston, Jr. Co.); and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunrayed Brand * * * Peanut Butter Packed By Southern Foods, Inc. Brundidge, Ala."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that the statement on the label, "Contents 12 Oz.," was false and misleading and tended to deceive and mislead the pur-

chaser when applied to an article that was short weight; and in that it 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 quantity stated was not correct.

On June 27, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29195. Misbranding of butter. U. S. v. 63 Cases of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. & D. No. 42493. Sample No. 27628–D.)

This product was short weight.

On or about May 17, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of butter at St. Louis, Mo.; alleging that the article had been shipped in interstate commerce on or about May 2, 1938, from Birmingham, Ala., by the Cloverleaf Butter Co.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cloverleaf Brand Process Butter Manufactured by Cloverleaf Butter Company."

It was alleged to be misbranded in that the statement on the label, "One Pound Net," was false and misleading and tended to deceive and mislead the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29196. Adulteration and misbranding of butter. U. S. v. 99 Cartons of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 42932. Sample Nos. 23727–D, 23729–D.)

This product contained less than 80 percent of milk fat.

On May 31, 1938, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cartons of butter at New Orleans, La.; alleging that the article had been shipped in interstate commerce on or about May 4, 1938, from Dublin, Tex., by Dublin Creamery Co., Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ol' Fashund Roll Finest Creamery Butter * * * Distributors Wilson & Co. * * * Chicago, Ill."

It was alleged to be 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 in that the article was labeled butter, which was false and misleading since it contained less than 80 percent of milk fat.

On June 17, 1938, Dublin Creamery Co., Inc., Dublin, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29197. Adulteration and misbranding of butter cookies. U. S. v. 48 Boxes of Butter Cookies. Default decree of condemnation and destruction. (F. & D. No. 42398. Sample No. 14451–D.)

This product was represented to be butter cookies but contained little or no butter.

On May 16, 1938, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 boxes of butter cookies at Providence, R. I.; alleging that the article had been shipped in interstate commerce on or about April 21 and 22, 1938, from Boston, Mass., by Loose-Wiles Biscuit Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunshine Butter Cookies * * * Loose-Wiles Biscuit Company."

It was alleged to be adulterated in that a substance containing little or no butter had been substituted in whole or in part for the article, which purported to be a butter cooky.