

**12560. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond, to be reprocessed. (F. & D. No. 18713. I. S. No. 12954-v. S. No. E-4853.)**

On June 2, 1924, 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 of the United States for said district a libel praying the seizure and condemnation of 45 tubs of butter, consigned from Frederic, Wis., on or about May 12, 1924, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Eureka Creamery Co. from Wisconsin and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

On July 17, 1924, A. J. Rivard, trading as the Taylors Falls Creamery Co., Taylors Falls, Minn., claimant, having admitted the allegations 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the product be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

**12561. Adulteration and misbranding of butter. U. S. v. The Hollywood Creamery Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 17910. I. S. Nos. 11358-v, 11398-v.)**

On March 6, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Hollywood Creamery Co., a corporation, Colorado Springs, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 1, 1923, from the State of Colorado into the State of Texas, and on or about April 5, 1923, from the State of Colorado into the State of New Mexico, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: "1 Lb. Net Weight." The remainder of the said article was labeled in part: "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment of March 1 showed that the average net weight of the product examined was 15.67 ounces. Analyses by said bureau of 5 samples from the consignment of April 5 showed that the product contained excessive moisture and was deficient in milk fat.

Misbranding of the product consigned March 1, 1923, was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading in that it represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. 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.

Adulteration of the product consigned April 5, 1923, was alleged for the reason that a product deficient in milk fat and which contained an excessive amount of moisture had been substituted for creamery butter, which the said article purported to be.

Misbranding of the product consigned April 5, 1923, was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that the said article consisted wholly of creamery butter, and for the further