

12996. Misbranding of butter. U. S. v. 75 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19056. I. S. Nos. 19826-v, 19827-v, 19828-v. S. No. C-4492.)

On or about September 11, 1924, the United States attorney for the Eastern District of Tennessee, 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 75 pounds of butter, at Bristol, Tenn., alleging that the article had been shipped by the Darter Butter Co., Bristol, Va., August 21, 1924, and transported from the State of Virginia into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Lily Butter Pasteurized One Pound Net When Packed Darter Butter Co. Bristol, Va.-Tenn."

It was alleged in substance in the libel that the article was misbranded in that the packages labeled "One Pound Net" did not each contain 1 pound net of butter but contained a less amount.

On November 3, 1924, 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 sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12997. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18843. I. S. No. 17793-v. S. No. C-4431.)

On July 7, 1924, the United States attorney for the Northern District of Illinois, 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 17 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Alma Dry Milk Co., from Alma, Wis., June 28, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On July 10, 1924, Gallagher Bros., Chicago, Ill., claimants, 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so as to bring the milk fat content up to 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

12998. Adulteration and misbranding of butter. U. S. v. 3,840 Pounds of Butter. Judgment for the Government. Product released under bond to be retreated. (F. & D. No. 18964. I. S. No. 19778-v. S. No. C-4473.)

On August 23, 1924, the United States attorney for the Western District of Tennessee, 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 3,840 pounds of butter, at Memphis, Tenn., alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., August 7, 1924, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Clearbrook Creamery Butter Net Weight One Pound."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.