

# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

### SUPPLEMENT

N. J. 13751-13800

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 10, 1925]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13751. Adulteration and misbranding of butter. U. S. v. 37 Cases of Butter. Product ordered released under bond. (F. & D. No. 20365. I. S. Nos. 6485-x, 6486-x. S. No. E-5380.)**

On or about August 5, 1925, the United States attorney for the Southern District of Florida, 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 37 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., July 31, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Guaranteed One Pound Net Weight When Packed \* \* \* Creamery Butter."

Adulteration of the article was alleged in the libel for the 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, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter \* \* \* One Pound Net Weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat 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.

On August 14, 1925, T. J. Fenn, Valdosta, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$950, conditioned in part that it be destroyed or reworked to meet the requirements of the said act and that the packages be relabeled to show the true contents thereof.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13752. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20361. I. S. No. 38-x. S. No. W-1762.)**

On or about August 4, 1925, the United States attorney for the Northern District of California, 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 5 cubes of butter, remaining in the original

unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Lakeview Creamery Co., from Lakeview, Oreg., July 22, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Lakeview Creamery, Lakeview, Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

On August 18, 1925, the Lakeview Creamery Co., Lakeview, Oreg., having appeared as claimant for the property 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 \$175, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of and to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13753. Adulteration and misbranding of butter. U. S. v. 48 Cases of Butter. Product ordered released under bond. (F. & D. No. 20379. I. S. Nos. 6424-x, 6425-x. S. No. E-5379.)**

On August 3, 1925, the United States attorney for the Southern District of Florida, 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 48 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., July 27, 1925, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the 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, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On August 14, 1925, T. J. Fenn, Valdosta, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,150, in conformity with section 10 of the act, conditioned in part that it be reworked so as to comply with the law and that the packages be relabeled to show the true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13754. Adulteration and misbranding of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20265. I. S. No. 6026-x. S. No. E-5369.)**

On July 8, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 6 tubs of butter, labeled in part: "From Rowan Creamery Co. Salisbury, N. C.," remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Salisbury, N. C., on or about July 1, 1925, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, 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. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.