

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat 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 in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the label bore the following statements regarding the article, "Dixie Brand Fancy Creamery Butter, Highest Quality, One Lb. Net Wt.," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason, that the article was offered for sale under the distinctive name of another article, and for the further reason that it was 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 not correct and was not in correct form.

On July 14, 1928, the Washington County Creamery Co., Abingdon, Va., having appeared as claimant for the property, 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 \$200, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15923. Adulteration of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22897. I. S. No. 15990-x. S. No. 936.)**

On June 14, 1928, 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 seizure and condemnation of 46 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Lineville Creamery Co., from Lineville, Iowa, June 12, 1928, and had been transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and in that the said article contained less than 80 per cent of butterfat.

On June 22, 1928, the Peter Fox Sons Co., Chicago, Ill., 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 said claimant upon payment of costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed to raise the butterfat content to not less than 80 per cent.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15924. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22899. I. S. No. 24828-x. S. No. 918.)**

On June 28, 1928, 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 seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Clover Creamery Co., East Radford, Va., alleging that the article had been shipped from East Radford, Va., on or about June 27, 1928, and had been transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed 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.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 2, 1928, M. Wildstein, Philadelphia, Pa., having appeared as claimant for the property, 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 \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15925. Adulteration and misbranding of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22900. I. S. No. 21494-x. S. No. 917.)**

On June 28, 1928, 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 seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Creamery Co., from Cresco, Iowa, June 21, 1928, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 19, 1928, Hans Larson, trading as the Farmers Creamery Co., Cresco, Iowa, 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15926. Adulteration and misbranding of butter. U. S. v. 34 Tubs and 33 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22910, 22913. I. S. Nos. 02828, 02829. S. Nos. 948, 951.)**

On July 9, 1928, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 67 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Charles City Creamery Co., from Charles City, Iowa, on or about June 27, 1928, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 25, 1928, the Lawler Cooperative Creamery Assoc., Lawler, Iowa, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$2,000, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*