

16186. Misbranding of butter. U. S. v. 20 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23134. I. S. No. 0833. S. No. 1172.)

On or about August 31, 1928, the United States attorney for the Eastern District of Louisiana, 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 20 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Clover Farm Dairy Co., Memphis, Tenn., on or about August 24, 1928, and transported from the State of Tennessee into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Always Fresh and Sweet Dixie Clover Creamery Butter One Pound When Packed Quarters;" (cases) "Creamery Butter From Clover Farm Dairy Company, Memphis, Tenn."

It was alleged in the libel that the article was misbranded in that the statement "One Pound When Packed" was false and misleading and deceived and misled the purchaser, and in 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, in that the quantity stated on the package was not correct.

On October 9, 1928, the Clover Farm Dairy Co., Memphis, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, 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 and the execution of a bond in the sum of \$250, conditioned in part that it be reconditioned and reworked to comply with the requirements of the Federal food and drugs act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16187. Adulteration and misbranding of preserves. U. S. v. 7 Cases of Preserves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23148. I. S. Nos. 02987, 02988. S. No. 1236.)

On October 17, 1928, the United States attorney for the District of Connecticut, 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 7 cases of preserves, remaining in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Brook-Maid Food Co., Brooklyn, N. Y., on or about September 12, 1928, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Brook-Maid Brand Pure Preserves Strawberry (or "Raspberry") Contents 2 lbs. Brook-Maid Food Co. Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated in that added pectin had been substituted in part for the said article and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the designations "Pure Preserves Strawberry" and "Pure Preserves Raspberry," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser when applied to a product containing added pectin. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 21, 1929, the Brook-Maid Food Co., Brooklyn, N. Y., 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 and the execution of a bond in the sum of \$75, conditioned in part that it be relabeled, under the supervision of this department, by attaching a sticker bearing the words "With Added Pectin" to each jar of preserves immediately below the main label.

R. W. DUNLAP, *Acting Secretary of Agriculture.*