

16733. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24154. I. S. No. 021259. S. No. 2336.)

On September 19, 1929, 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 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sobieski Farmers Cooperative Creamery Association, Little Falls, Minn., in part on or before September 4, 1929, and in part on or before September 7, 1929, and transported from the State of Minnesota 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 with it 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 September 23, 1929, the Sobieski Farmers Cooperative Creamery Association, Little Falls, Minn., 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 \$600, conditioned in part that it be reworked and reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16734. Adulteration of butter. U. S. v. 105 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24050. I. S. No. 09078. S. No. 2208.)

On or about July 11, 1929, the United States attorney for the Western District of Kentucky, 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 105 tubs of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by the Armour Creameries, Woodward, Okla., on or about June 29, 1929, and transported from the State of Oklahoma into the State of Kentucky, 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 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 Congress of March 4, 1923.

On August 19, 1929, Armour & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation 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 \$6,000, conditioned in part that it should not be sold or disposed of until reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16735. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23946. I. S. No. 011460. S. No. 2172.)

On July 29, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and subsequently an amended libel, praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Rib Lake Cooperative Creamery Co., from Rib Lake, Wis., July 16, 1929, and transported from the State of Wisconsin into the State of Minnesota, 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 said article.

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

On September 23, 1929, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16736. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24158. I. S. No. 021252. S. No. 2298.)

On September 13, 1929, 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 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Exeland Creamery Co., Exeland, Wis., on or about August 29, 1929, and transported from the State of Wisconsin 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 with it 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 September 21, 1929, the Minnesota Cooperative Dairies Association, Owatonna, Minn., 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 \$400, or the deposit of cash collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16737. Adulteration of canned sardines. U. S. v. 108 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23692. I. S. No. 05500. S. No. 1948.)

On May 7, 1929, 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 seizure and condemnation of 108 cases of canned sardines at Memphis, Tenn., alleging that the article had been shipped by the Interstate Grocery Co., from Helena, Ark., on or about March 19, 1929, and transported from the State of Arkansas into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Commercial Brand American Sardines * * * Packed By The Brawn Company, Portland, Me."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 3, 1929, 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16738. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23832. I. S. No. 03507. S. No. 2042.)

On June 25, 1929, 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 2 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by C. E. Healey & Son, from Loda, Ill., on or about June 14, 1929, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "C. E. Healey & Son, Loda, Illinois, Milk Fatted Poultry."