

17109. Adulteration and misbranding of butter. U. S. v. 280 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24560. I. S. No. 028625. S. No. 2565.)

On November 29, 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 280 tubs of butter, remaining in the original unbroken packages at New York, N. Y., consigned about September 17, 1929, alleging that the article had been shipped by the Great Lakes Terminal Warehouse Co., Toledo, Ohio, and transported from the State of Ohio 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 violation of section 7 of the act, paragraphs 1 and 2, in the case of food, in that it contained a substance deficient in butterfat.

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

On December 17, 1929, Carl Ahlers (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to recondition the product so that it contain at least 80 per cent of butterfat, 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 \$8,500, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17110. 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. 24566. I. S. No. 029106. S. No. 2788.)

On January 24, 1930, 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 10 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Co-Op. Creamery Co., Fairmont, Minn., on or about January 22, 1930, 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 February 13, 1930, the Farmer's Co-operative Creamery Association, Fairmont, 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 \$300, 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.*

17111. Adulteration of concentrated strained tomatoes. U. S. v. 90 Cases of Concentrated Strained Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24386. I. S. No. 03935. S. No. 2638.)

On December 19, 1929, 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 90 cases of concentrated strained tomatoes, remaining in the original unbroken packages at Philadelphia, Pa., consigned by J. F. Richards, Newark, Del., alleging that the article had been shipped from Newark, Del., on or about November 6, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Seal Brand Concentrated Strained Tomatoes * * * Thomas Roberts & Co., Inc."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.