

17369. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24683. I. S. No. 029018. S. No. 2931.)

On February 27, 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 29 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Universal Car Loading & Distributing Co., Des Moines, Iowa, on or about February 14, 1930, 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 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 March 17, 1930, the Gowrie Cooperative Creamery Co., Gowrie, 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 costs and the execution of a bond in the sum of \$900, 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.*

17370. Adulteration of canned tuna. U. S. v. 49 Cases of Canned Tuna. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24446. I. S. No. 03197. S. No. 2716.)

On January 16, 1930, 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 49 cases of canned tuna, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Van Camp Sea Food Co., alleging that the article had been shipped from Terminal Island, Calif., on or about November 21, 1929, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Catalina Brand All Light Meat Striped Tuna Packed by Van Camp Sea Food Co., Inc. * * * Terminal Island (Los Angeles Harbor)."

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

On May 23, 1930, T. A. James & Co., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17371. Adulteration of butter. U. S. v. Sherman White & Co. Plea of guilty. Fine, \$150. (F. & D. No. 23738. I. S. Nos. 05793, 24014-x, 24015-x, 24016-x.)

On August 10, 1929, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sherman White & Co., a corporation, Fort Wayne, Ind., alleging shipment by said company, in violation of the food and drugs act, from the State of Indiana, in part on or about June 14, 1928, into the State of New York, and in part on or about February 28, 1929, into the State of Massachusetts, of quantities of butter which was adulterated. A portion of the article was labeled in part: "White Cross Creamery Butter * * * Manufactured by Sherman White & Company."

It was alleged in the information that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent