

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17476-17500

[Approved by the Secretary of Agriculture, Washington, D. C., March 13, 1931]

**17476. Adulteration and misbranding of butter. U. S. v. 8 Cases of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 24883. I. S. No. 027430. S. No. 3176.)**

Samples of butter from the herein-described interstate shipment having been found to be deficient in milk fat, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On June 4, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 8 cases of butter, remaining in the original unbroken packages at Boston, Mass., consigned about May 27, 1930, alleging that the article had been shipped by the South Peacham Creamery Co., South Peacham, Vt., and had been transported from the State of Vermont into the State of Massachusetts, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent of milk fat.

Misbranding was alleged for the reason that the article was labeled "Butter," which was false and misleading, since it contained less than 80 per cent of milk fat.

On June 16, 1930, the South Peacham Cooperative Creamery Co., 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 deposit of collateral in the amount of \$100, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17477. Alleged adulteration of oranges and tangerines. U. S. v. Arthur M. Prevatt (Prevatt & Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 22587. I. S. Nos. 14668-x, 21253-x.)**

Examination of samples of the oranges and tangerines from the herein-described interstate shipments having shown that a portion of the fruit was deficient in juice, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On October 10, 1928, the said United States attorney filed in the District Court of the United States aforesaid an information against Arthur M. Prevatt, trading as Prevatt & Co., Seville, Fla., alleging shipment by said defendant in violation of the food and drugs act on or about February 14, 1928, from the State of Florida into the State of Georgia of a quantity of oranges, and on or about March 21, 1928, from the State of Florida into the State of Maryland of a quantity of tangerines, which said products were alleged to be