

18255. Adulteration of butter. U. S. v. 32 Boxes, et al., of Butter. Decrees of condemnation and forfeiture. Product released under cash bonds. (F. & D. Nos. 26404, 26430. I. S. Nos. 28406, 28505. S. Nos. 4222, 4412.)

Samples of butter from the shipments herein described having been found to contain less than 80 per cent by weight of milk fat, the standard provided by act of Congress, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On February 18 and March 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 81 boxes of butter, remaining in the original unbroken packages at Springfield, Mass., consigned in part about February 5, 1931, and in part about February 28, 1931, alleging that the article had been shipped by the Fairmont Creamery Co., Lawton, Okla., and had been transported from the State of Oklahoma into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels 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 should contain not less than 80 per cent by weight of milk fat.

On March 6 and April 8, 1931, the Fairmont Creamery Co., of Omaha, Nebr., with a branch at Lawton, Okla., having appeared as claimant for the property and having admitted the allegations of the libel, judgments of condemnation and forfeiture were 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 \$1,200, in lieu of bonds in like amount, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18256. Adulteration and misbranding of frozen whole eggs. U. S. v. 1,000 Cases of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26094. I. S. No. 27889. S. No. 4424.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, and the cans having been found to bear no statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,000 cases of frozen whole eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Ovson Egg Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about March 7, 1931, and had been transported from the State of Illinois into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was unlabeled.

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

Misbranding was alleged for the reason 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.

On April 1, 1931, A. F. Bickley & Son, 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 to be relabeled and reconditioned under the supervision of this department, 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 otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18257. Adulteration of canned pumpkin. U. S. v. 24½ Cases of Canned Pumpkin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26195. I. S. No. 27979. S. No. 4530.)

Samples of canned pumpkin from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.