

19792. Misbranding of butter. U. S. v. 8 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (10507-A. F. & D. No. 28319.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to be short of the declared weight.

On April 29, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 8 cases of butter at Jersey City, N. J., alleging that the article had been transported in interstate commerce by Wm. Buechse & Sons (Inc.), from the premises of F. F. Lowenfels & Sons, New York, N. Y., to Jersey City, N. J., on or about April 22 and April 26, 1932, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "1 Lb. Net Weight C. B. L. (best butter) Country Roll."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On May 6, 1932, J. R. Kramer (Inc.), New York, N. Y., 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 product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reprinted so that the rolls contain a full pound net and that it should be disposed of only in compliance with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19793. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (10511-A. F. & D. No. 28339.)

This action involved the interstate shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound net, the declared weight.

On May 4, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of three cases of butter at Hoboken, N. J., alleging that the article had been transported in interstate commerce by Brenner & Sons (Inc.), on April 20, 1932, from the premises of J. R. Kramer (Inc.), New York, N. Y., to Hoboken, N. J., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "B. B. B. Brenner's Better Butter * * * R. Brenner, Hoboken, New Jersey. * * * One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight [One Pound Net]," was false and misleading and deceived and misled the purchaser, and for the further 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, since the statement of weight was incorrect.

On May 10, 1932, the owner of the property 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 destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19794. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11003-A. F. & D. No. 28378.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 24, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 43 tubs of butter, remaining in the original and unbroken packages at New York City, N. Y., alleging that the article had been