

19981. Adulteration and misbranding of butter. U. S. v. 127 Pounds, et al., of Butter. Consent decree of condemnation. Product released under bond. (Nos. 2682-A, 2683-A. F. & D. Nos. 28579, 28580.)

These cases involved the interstate shipment of quantities of print and tub butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress. The packages containing a portion of the print butter were not labeled with a statement of the quantity of the contents.

On July 11, 1932, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,639 pounds of butter at Dubuque, Iowa. It was alleged in the libels that the article had been shipped in interstate commerce, on or about July 5, 1932, by Reginald J. Smith, owner of the Scales Mound Creamery, from Scales Mound, Ill., to Dubuque, Iowa, that it was adulterated, and that a portion also was misbranded in violation of the food and drugs act as amended. A portion of the print butter was labeled in part: "Scales Mound Superior Brand Butter." The remainder of the print butter was unlabeled.

Adulteration of the article was alleged in the libels for the reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged with respect to a portion of the print butter for the reason that it was in package form and was not labeled to show the net weight of the contents of the packages.

On July 27, 1932, the Scales Mound Creamery, Scales Mound, Ill., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were 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 bonds totaling \$500, conditioned in part that it should not be sold or otherwise disposed of until made to comply with the Federal food and drugs act, under the supervision of this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19982. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11877-A. F. & D. No. 28489.)

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

On July 8, 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 18 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 28, 1932, by the Knoxville Cooperative Creamery, from Knoxville, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard provided by act of March 4, 1923.

The Krenrich-Britten Co. (Inc.), New York, N. Y., interposed a claim for the property as agent for the Knoxville Cooperative Creamery, Knoxville, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On July 14, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19983. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (No. 11360-A. F. & D. No. 28481.)

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