

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]

20001-20150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 26, 1933]

20001. Adulteration of butter. U.S. v. 256 Pounds of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 28578. Sample No. 2686-A.)

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

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 a libel praying seizure and condemnation of 256 pounds of butter at Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about July 2, 1932, by Hanson & Ford, from Galena, Ill., to Dubuque, Iowa, and charging adulteration 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 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 23, 1932, Hanson & Ford, Galena, Ill., having appeared as claimants for the property, and having consented to the entry of a decree, judgment of condemnation 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 \$100, conditioned in part that it should not be sold or disposed of until made to comply with the Federal Food and Drugs Act, under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20002. Adulteration and misbranding of butter. U.S. v. 36 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28365. Sample Nos. 3225-A, 5511-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 11, 1932, the United States attorney for the Northern District of Illinois, 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 36 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by the Barron Cooperative Creamery, from Barron, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipping package) "Butter Dallas Creamery Co Dallas Wisconsin."

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had

been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butterfat.

Misbranding of the article was alleged for the reason that it had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 2, 1932, the Dallas Creamery Co., Dallas, Wis., 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 for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20003. Adulteration and misbranding of butter. U.S. v. 45 Cases, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28625, 28626. Sample Nos. 12801-A, 12802-A.)

These cases involved the shipment of quantities of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On July 8, 1932, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 67 cases of butter, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped in interstate commerce from Mason, Nev., in part on or about June 22, 1932, and in part on or about June 24, 1932, consigned by the Yerington Creamery, Mason, Nev., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Butter * * * Yerington Creamery Mason, Nevada."

It was alleged in the libels that the article was adulterated in that a product containing less than 80 percent of butterfat had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Butter," was false and misleading and deceived and misled the purchaser when applied to a product containing less than 80 percent of butterfat.

On July 19, 1932, the Yerington Creamery Co., Mason, Nev., having appeared as claimant for the property, and having consented to the entry of decrees, 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 execution of bonds totaling \$600, conditioned in part that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act, and that it be made to conform with the law under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20004. Adulteration of blueberries. U.S. v. 6 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. No. 28755. Sample No. 9457-A.)

Samples of blueberries taken from the shipment herein described were found to contain maggots.

On August 4, 1932, the United States attorney for the District of Massachusetts, 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 six crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in interstate commerce August 3, 1932, by Maplelawn Orchards, from Rockland, Maine, to Boston, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Maplelawn Orchards * * * Lincolnville, Maine."

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