

20098. Adulteration of butter. U.S. v. 81 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28622. Sample No. 9437-A.)

This case involved a shipment 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 29, 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 81 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about July 24, 1932, alleging that the article had been shipped in interstate commerce by the Mandan Creamery & Produce Co., from Mandan, N.Dak., to Boston, Mass., 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, which the article purported to be.

On September 12, 1932, the Mandan Creamery & Produce Co., Mandan, N.Dak., 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 delivered to the said claimant, to be reworked under the supervision of this Department so that it contain at least 80 percent of butterfat, upon payment of costs and the execution of a bond in the sum of \$1,200, conditioned that it should not be sold or disposed of contrary to the provisions of the the Federal Food and Drugs Act and all other laws.

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

20099. Adulteration and misbranding of butter. U.S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 28583. Sample No. 11984-A.)

This case involved 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 July 22, 1932, the United States attorney for the Eastern 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 13 tubs of butter, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about July 20, 1932, by the Hopkinton Creamery Co., from Hopkinton, Iowa, to Brooklyn, N.Y., 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 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive and specific name of "butter", whereas it was not butter, since it contained less than 80 percent by weight of butterfat.

The Great Atlantic & Pacific Tea Co. interposed a claim for the property as agent for the Hopkinton Creamery Co., Hopkinton, 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 percent of butterfat. On August 2, 1932, 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 execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

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

20100. Adulteration of coriander seed. U.S. v. 25 Bags of Coriander Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28591. Sample No. 10089-A.)

This action involved an import shipment of coriander seed. Examination of the article showed the presence of rodent excreta.

On August 5, 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 25 bags of coriander seed at New York, N.Y.,