

20681. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29816. Sample no. 11700-A.)

This action involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On January 5, 1933, 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 27 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 December 21, 1932, by the Taylor Falls Creamery Co., from Taylor Falls, Minn., 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 a product containing less than 80 percent 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.

Johnstone & Hollrock, New York, N. Y., filed a claim for the property as agents for the Taylor Falls Creamery Co., Taylor Falls, Minn., admitted the allegations of the libel, and consented to the entry of a decree. On January 23, 1933, 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 \$700, conditioned that it be reworked so that it comply with the law.

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

20682. Adulteration of butter. U. S. v. 51 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29818. Sample no. 20780-A.)

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

On January 20, 1933, 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 51 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 or about January 12, 1933, by the Lisbon Cooperative Creamery Co., from DeWitt, 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 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 January 25, 1933, the Lisbon Co-operative Creamery Co., DeWitt, Iowa, 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 claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be reworked to comply with the law.

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

20683. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29817. Sample no. 20645-A.)

This case involved an interstate shipment of butter, samples of which contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On January 9, 1933, 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 32 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 December 24, 1932, by the Harding Cream Co., of Omaha, Nebr., as agent for Jo Mar Dairies, of Pratt, Kans., from

Kansas City, Mo., 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 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.

Alex Grossman & Co., Inc., New York, N. Y., filed a claim for the property as agent for the Jo Mar Dairies Co., Junction City, Kans., admitted the allegations of the libel, and consented to the entry of a decree. On January 13, 1933, 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 \$800, conditioned that it be reworked to comply with the law.

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

20684. Misbranding of peanut meal. U. S. v. 400 Bags of Peanut Meal. Decree adjudging product misbranded and ordering that it be properly labeled or destroyed. (F. & D. no. 29815. Sample no. 16972-A.)

This case involved an interstate shipment of 400 bags of peanut meal that were not labeled to show the quantity of the contents.

On December 23, 1932, the United States attorney for the District of Kansas, acting upon a report by a representative of the Missouri State Board of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 400 bags of peanut meal at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about December 12, 1932, by the De Leon Peanut Co., from De Leon, Tex., to St. Joseph, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that it was not labeled with a statement of the net weight.

On January 25, 1933, the De Leon Peanut Co., De Leon, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered ordering that the product be destroyed unless the claimant within 10 days pay costs of the proceedings and label the sacks with the net weight.

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

20685. Misbranding of butter. U. S. v. 80 Cases and 23 Cases of Butter. Product ordered released under bond. (F. & D. no. 29793. Sample nos. 31233-A, 31234-A.)

This case involved a quantity of butter, sample packages of which contained less than 1 pound, the declared weight.

On December 21, 1932, the United States attorney for the District of Montana, 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 two lots consisting of 103 cases of butter at Butte, Mont., alleging that the article had been shipped in interstate commerce, in part on or about November 29, 1932, and in part on or about December 3, 1932, by John Morrell & Co., from Ottumwa, Iowa, to Butte, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Morrell's Yorkshire Farm Brand Creamery Butter, 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement, "1 Lb. Net Weight" on the labels, was false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the quantity of the contents was not marked on the outside of the packages, since the statement of weight was incorrect.

On January 12, 1933, John Morrell & Co., Ottumwa, Iowa, having appeared as claimant for the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

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