

20820. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 29922. Sample no. 31516-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 provided by Congress.

On February 24, 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 15 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 February 7, 1933, by the Waterville Creamery Co., from Waterville, 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.

Hunter Walton & Co., New York, N.Y., filed a claim for the property as agent for the Waterville Creamery Co., Waterville, Minn., admitted the allegations of the libel, and consented to the entry of a decree. On February 24, 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 \$300, conditioned that it be reworked so that it comply with the law.

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

20821. Misbranding of chocolate-coated caramels. U. S. v. Belle Mead Sweets, Inc. Plea of guilty. Fine, \$25. (F. & D. no. 26703. I. S. no. 28754.)

This case was based on the interstate shipment of a quantity of candy, sample boxes of which were found to contain less than the labeled weight.

On November 21, 1931, 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 an information against the Belle Mead Sweets, Inc., Trenton, N.J., alleging shipment by said company in violation of the Food and Drugs Act, on or about March 25, 1931, from the State of New Jersey into the State of Virginia, of a quantity of chocolate-coated caramels that were misbranded. The article was labeled in part: "Belle Mead Sweets Chocolate Coated Caramels Average Net Weight 2¾ ounces."

It was alleged in the information that the article was misbranded in that the statement, "Average Net Weight 2¾ ounces", borne on the box, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the boxes did not contain 2¾ ounces of the article, but did contain a less amount.

On June 24, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

20822. Adulteration and misbranding of cider vinegar. U. S. v. 57 Kegs, et al., of Cider Vinegar. Product released under bond. (F. & D. no. 27771. I. S. no. 50352. S. no. 5842.)

This case involved a shipment of cider vinegar that contained arsenic in an amount that might have rendered it injurious to health.

On February 23, 1932, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 57 kegs, each containing 55 gallons; 18 kegs, each containing 30 gallons; 23 kegs, each containing 15 gallons; and 24 kegs, each containing 10 gallons of vinegar, remaining in the original unbroken packages at Bismarck, N.Dak., alleging that the article had been shipped in interstate commerce on or about January 16, 1932, by the Western Cider Vinegar Co., from Freewater, Oreg., to Bismarck, N.Dak., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Apple Cider Vinegar Western Maid Brand * * * Mfg. by Western Cider Vinegar Co., Milton, Ore."