

21264. Adulteration and misbranding of butter. U. S. v. 83 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30933. Sample no. 40623-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 for butter established by Congress.

On June 16, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 5, 1933, by the Union City Dairy Co., from Paducah, Ky., 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, a product which should contain not less than 80 percent of milk fat as provided for by act of March 4, 1923.

Misbranding of the article was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1933, the Peter Fox Sons Co., Chicago, Ill., 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 \$1,000, conditioned in part that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21265. Adulteration of canned salmon. U. S. v. 9 Cases of Salmon. Default decree of condemnation and destruction. (F. & D. no. 30511. Sample no. 29608-A.)

This case involved a shipment of canned salmon that was in part decomposed.

On May 31, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of canned salmon at Flagstaff, Ariz., alleging that the article had been shipped in interstate commerce on or about February 17, 1933, by Libby, McNeill & Libby, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Fancy Red Alaska Salmon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On July 10, 1933, seven cases of the product having been seized and held in the custody of the United States marshal, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

21266. Alleged adulteration and misbranding of maple-flavored sirup. U. S. v. 717 Cans of Sirup. Appearance and claim of ownership. Tried to the court. Libel ordered dismissed. (F. & D. no. 29785. Sample no. 34044-A.)

This case involved an interstate shipment of a product labeled "Maple Flavored Syrup", which consisted principally of corn sirup and sugar sirup containing a small amount of maple sugar. The article also contained added artificial color and flavor.

On January 30, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 717 cans of sirup at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about January 9, 1933, by the A. E. Staley Manufacturing Co., from Decatur, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Staley's Maple Flavored Syrup * * * A. E. Staley Man'fg. Co. Decatur, Ill." The label bore the further statement in smaller, less conspicuous type, "Blend of pure corn