

New York, N.Y., alleging that the article had been shipped in interstate commerce on or about December 28, 1933, by the Western Produce Co., Inc., from Abilene, Tex., and charging adulteration in violation of the Food and Drugs Act.

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

On February 10, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**21970. Adulteration of butter. U. S. v. 7 Cubes and 4 Cubes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31902. Sample nos. 54756-A, 54757-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 January 6, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 30, 1933, by the Sentinel-Missoula Creamery, Inc., from Missoula, Mont., 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 February 9, 1934, the Sentinel-Missoula Creamery Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$285, 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.

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

**21971. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31957. Sample nos. 58201-A, 58202-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 January 23, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of butter at Haverhill, Mass., alleging that the article had been shipped in interstate commerce by the Davis-Cleaver Produce Co., from Quincy, Ill., having been consigned on or about January 10, 1934, 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 deficient in milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as required by the act of March 4, 1923.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, "Butter."

On February 5, 1934, the Davis-Cleaver Produce Co., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings and deposited cash collateral in the sum of \$175 to insure compliance with the orders of the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant and that it be reworked under the supervision of this Department so that it would contain at least 80 percent of butterfat.

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