

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 March 27, 1934, S. & W. Waldbaum, Inc., New York, N. Y., 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 deposit of \$500 cash collateral or the execution of a bond in like amount, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

22452. Adulteration and misbranding of butter. U. S. v. 126 Pounds of Print Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32619. Sample no. 64391-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On March 23, 1934, 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 126 pounds of print butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 19, 1934, by the Oregon Creamery, from Oregon, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled "Butter."

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.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled "Butter", which was false and misleading.

On May 15, 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.*

22453. Adulteration of butter. U. S. v. 14 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32621. Sample no. 66116-A.)

This case involved a shipment of butter that was low in milk fat and contained foreign substances, namely, cow hairs, rodent hairs, insect legs, pieces of insects, whole insects, and larvae.

On January 5, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 tubs of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about December 9, 1933, from the City Baking Co. Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "No. 1 Ladles 64 Lbs. The J. W. Buffington Co., Baltimore."

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 31, 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.*

22454. Adulteration of butter. U. S. v. 11 Cubes and 21 Cubes of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. nos. 32625, 32631. Sample nos. 1107-A, 52780-A, 52806-A.)

These cases involved shipments of butter, samples of which were found to contain less than 80 percent of milk fat.

On March 8 and April 2, 1934, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 32 cubes

of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about February 26 and March 24, 1934, by the Farmers Cooperative Creamery, from Payette, Idaho, and charging adulteration in violation of the Food and Drugs Act. One lot of the article was labeled: "Union A Grade 68 Lbs. Net to be Graded No. 54 A 11." The other lot was labeled: "Sunshine Cry. Baker, Ore. 68# A Gr. No. to be Graded 80 A 6" [or "81 A 6" or "82 B 9"].

It was alleged in the libels 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 March 15 and April 6, 1934, the Farmers Cooperative Creamery, an Idaho corporation, claimant, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation were entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$550, conditioned that it would not be disposed of in violation of the law. On March 22 and April 16, 1934, the product in both lots having been reworked to the legal standard, the bonds were ordered exonerated.

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

22455. Adulteration and misbranding of butter. U. S. v. 87 Boxes and 78 Boxes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 32626. Sample nos. 68224-A, 68238-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 established by Congress.

On April 4, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 boxes each containing 32 pound prints, and 78 boxes each containing 16 pound prints of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce, from Providence, R. I., on or about March 29, 1934, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product had been originally shipped in interstate commerce into the State of Rhode Island and was reshipped to Buffalo, N. Y., by the original consignee under instructions of the owner, Bridgeman Russell Co., Inc. The pound cartons were labeled in part: "Ferncrest Creamery * * * Packed Especially for Cooper & Sisson, Inc., Providence, R. I., * * * Butter."

It was alleged in the libel that the article was adulterated in that it showed a material deficiency in butterfat content.

Misbranding was alleged for the reason that the label "Butter" was false and misleading, since it contained less than 80 percent of milk fat.

On April 24, 1934, the Bridgeman Russell Co., Inc., Buffalo, N. Y., having intervened and filed a claim as owner of the product, and having consented to the entry of a decree, judgment of condemnation 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 \$2,500, conditioned that it be reworked so that it comply with the law. In pronouncing judgment the court handed down the following memorandum opinion (Knight, D. J.):

"Shipper requests release of seizure under usual conditions for reconditioning. The memoranda furnished the court show that heretofore a number of seizures have been made of butter shipped by this company found to be low in fat. Because of these prior seizures, the court with some reluctance, grants this application for release. I grant the application with caution to this shipper that greater care should be used in its test of its products. I make this memorandum with the additional purpose that it may be considered by any court in which any violation in connection with the goods shipped may be prosecuted."

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

22456. Adulteration of butter. U. S. v. 24 Cases of Butter. Default decree of destruction. (F. & D. no. 32627. Sample no. 39347-A.)

This case involved a shipment of butter that was found to contain fragments of flies, feathers, mold, and other foreign substances.

On or about March 29, 1934, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed