

22814. Adulteration of butter. U. S. v. 1 Barrel of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32929. Sample no. 62365-A.)

A sample of butter taken from the shipment involved in this case was found to contain portions of insects, animal hairs, a maggot, mold, and other filth.

On June 21, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 15, 1934, by Horn's Cash Store, from Forest City, N. C., 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 in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 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.*

22815. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32930. Sample no. 62367-A.)

A sample of butter taken from the shipment involved in this case was found to contain maggots, insects, parts of insects, worms, animal hairs, mold, and other filth.

On June 22, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 20, 1934, by Peterson Produce Co., from Buckhannon, W. Va., 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 in whole or in part of a filthy, decomposed, or putrid animal substance.

On August 1, 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.*

22816. Misbranding of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 32932. Sample no. 47943-A.)

This case involved a shipment of butter that was short weight and that contained less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On June 6, 1934, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of butter at Honolulu, Hawaii, consigned by Armour & Co., from San Francisco, Calif., alleging that the article had been shipped May 29, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Pound Net Weight Golden Dale Pasteurized Creamery Butter Distributed by Armour Creameries, General Offices Chicago."

It was alleged in the libel that the article was misbranded in that the statements on the label, "One Pound Net Weight, Golden Dale Pasteurized Creamery Butter", were false and misleading and deceived and misled the purchaser, since it contained less than 80 percent of milk fat. Misbranding was alleged for the further reason that the article did not have the quantity of the contents plainly and conspicuously marked on the outside of the package.

Armour & Co. filed a claim for the property admitting that it was misbranded, consented to the entry of a decree, paid costs of the proceedings, and filed a cash bond in the sum of \$645, conditioned that it would not be disposed of in contravention of the Federal Food and Drugs Act. On June 6, 1934, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant.

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