

23927. Adulteration of butter. U. S. v. 1 Case and 1 Case of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 33222, 33223. Sample nos. 6787-B, 6788-B.)

These cases involved butter that contained filth of various kinds.

On July 23, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two cases of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about July 12 and July 13, 1934, by Felix S. Bentzel, from York, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On August 9, 1934, no claimant having appeared, judgments of condemnation and forfeiture were entered and destruction of the product was ordered.

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

23928. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 33232. Sample no. 70755-A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On July 3, 1934, 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 a libel praying seizure and condemnation of fifty tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 16, 1934, by the Knapp Creamery, from Knapp, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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 Congress of March 4, 1923.

On July 7, 1934, the Knapp Creamery Co., 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 \$700, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

23929. Adulteration and misbranding of rum and butter toffee. U. S. v. 13 Boxes of Holloway's Rum & Butter Toffee. Default decree of condemnation and destruction. (F. & D. no. 33236. Sample no. 6577-B.)

This case involved a shipment of rum and butter toffee. Examination showed that it contained coconut oil, that it was flavored with artificial rum flavor, and that it was short of the declared weight.

On or about August 13, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 boxes of rum and butter toffee at New Haven, Conn., alleging that the article had been shipped in interstate commerce, on or about June 18, 1934, by M. J. Holloway & Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Box) "Holloway's Rum & Butter 5 Lbs. Net Wgt. Manufactured by M. J. Holloway & Co., Chicago."

The article was alleged to be adulterated in that a substance containing foreign fat, namely, coconut oil, and artificial rum flavor, had been substituted for rum and butter toffee, which the article purported to be.

Misbranding was alleged in that the statements, "Rum & Butter" and "5 Lbs. Net Wgt.", borne on the label, were false and misleading and tended to deceive and mislead the purchaser; in that it was an imitation of, and was offered for sale under the distinctive name of, another article, and in 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, since the statement made was incorrect.

On September 11, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

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