

28229. Adulteration of butter. U. S. v. 300 Tubs, 150 Tubs, 100 Tubs, and 88 Tubs of Butter. Consent decrees of condemnation. Product released under bond for reworking. (F. & D. Nos. 40445, 40498, 40499, 40598. Sample Nos. 49506-C, 60427-C, 60428-C, 60431-C.)

This product contained less than 80 percent of milk fat.

On or about September 16, 18, and 23, and October 12, 1937, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 638 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 2, 9, 18, and 30, 1937, from Muskogee, Okla., by the Southern Butter Co., 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 March 4, 1923.

On October 5 and 26, 1937, the Southern Butter Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reworking so that it contain at least 80 percent of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28230. Adulteration of butter. U. S. v. 25 Cubes of Butter. Product ordered released under bond. (F. & D. No. 40383. Sample No. 52076-C.)

This product contained less than 80 percent of milk fat.

On September 18, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 8, 1937, by the Marwyn Dairy Produce Corporation from Colfax, 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 March 4, 1923.

On September 30, 1937, Kimbley Brokerage Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28231. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. No. 40393. Sample No. 41389-C.)

This product was contaminated with lead and arsenic.

On or about September 14, 1937, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bushels of apples at Princeton, Tex., alleging that the article had been shipped in interstate commerce on or about September 1, 1937, from Fayetteville, Ark., by G. D. Woodall to himself at Princeton, Tex., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 26, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28232. Adulteration and misbranding of butter. U. S. v. 22 Cartons of Butter. Decree of condemnation. Product released under bond for reworking. (F. & D. No. 40551. Samples Nos. 54767-C, 54772-C.)

This product contained less than 80 percent of milk fat.

On October 8, 1937, 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 22 cartons of butter at Springfield, Mass., shipped on or about September 30, 1937, alleging that the

article had been shipped in interstate commerce from Clinton, Iowa, by Swift & Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which it purported to be—the act of March 4, 1923, providing that butter shall contain not less than 80 percent by weight of milk fat.

Misbranding was alleged in that the product was an imitation of and was offered for sale under the distinctive name of another article, butter.

On October 27, 1937, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to contain at least 80 percent by weight of milk fat.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28233. Misbranding of butter. U. S. v. 38 Cases, 27 Cases, and 11 Cases of Butter. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40382. Sample Nos. 49425-C to 49427-C, incl.)

A portion of this product was short weight, and the packages of the remainder failed to bear on the label a statement of the quantity of the contents.

On September 15, 1937, 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 76 cases of butter at Elgin, Ill., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, from Burlington, Iowa, by the Burlington Sanitary Milk Co., and charging misbranding in violation of the Food and Drugs Act as amended. One lot was labeled: (Wrapper) "Country Wrap Made from Pasteurized Cream Packed for Young and Austin, Elgin, Ill. * * * 1 lb. Net Weight."

Misbranding of one lot was alleged in that the statement "1 lb. Net Weight" was false and misleading and deceived and misled the purchaser 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 quantity stated was not correct; misbranding of the remaining lots was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 14, 1937, the Burlington Sanitary Milk Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly labeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28234. Misbranding of canned dry peas. U. S. v. 99 Cases of Sunset Brand Peas. Default decree entered; product ordered sold. (F. & D. No. 40153. Sample No. 53337-C.)

This product was canned soaked dry peas; and its label bore a design of a dish of bright-green peas which created the impression that it consisted of fresh succulent peas, and this impression was not corrected by the words "Prepared from Dry" which were relatively inconspicuous as compared with the words "Peas."

On August 19, 1937, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 cases of canned dry peas at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 18, 1937, by Dorgan-McPhillips Packing Corporation from Columbia, Miss., and charging misbranding in violation of the Food and Drugs Act. The article was labeled: (Cans) "Sunset Brand Prepared From Dry Peas Distributed By Dorgan-McPhillips Packing Corp. Mobile, Ala."

It was alleged to be misbranded in that it was soaked dry peas, and the design of bright green peas and the relative inconspicuousness of the statement "Prepared From Dry" as compared with the word "Peas" was false and misleading, and tended to deceive and mislead the purchaser when applied to soaked dry peas.

On January 8, 1938, no claimant having appeared, judgment was entered ordering that the product be sold by the marshal with the condition that if purchased for resale a bond be required to insure proper relabeling.

HARRY L. BROWN, *Acting Secretary of Agriculture.*