

at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 23, 1937, from Vinita, Okla., by the Archer Produce 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 28, 1937, the Peter Fox Sons 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 reworked to the legal standard.

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

**28239. Adulteration and misbranding of butter. U. S. v. 507 Cases of Butter. Decree of condemnation. Product released under bond for reworking. (F. & D. No. 40682. Sample No. 62831-C.)**

This product contained less than 80 percent of milk fat.

On October 28, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 507 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 2, 1937, from Bruce, Miss., by the Yorkshire Creamery Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Morrell's Yorkshire Farm Brand Creamery Butter. \* \* \* Distributed By John Morrell & Co."

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, 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 in that the article was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On November 13, 1937, John Morrell & Co., 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 the legal standard.

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

**28240. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40623. Sample Nos. 56988-C, 56990-C.)**

This product contained less than 80 percent of milk fat.

On October 11, 1937, 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 nine tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 4, 1937, from Marshall, Va., by the Fauquier Creamery, 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 15, 1937, the Fauquier Creamery, Marshall, Va., 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 reworked so that it contain at least 80 percent of milk fat.

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

**28241. Adulteration of butter. U. S. v. 285 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 40548. Sample No. 46745-C.)**

This product contained less than 80 percent of milk fat.

On October 7, 1937, 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 285 tubs of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about September 20, 1937, from Chicago, Ill., by Kirschbaum & 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 November 15, 1937, the American Dairies, Inc., Kansas City, Mo., claimant, 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 reworked to the legal standard.

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

**28242. Adulteration and misbranding of candy. U. S. v. 9 Boxes of Candy. Default decree of condemnation and destruction. (F. & D. No. 40559. Sample No. 61110-C.)**

This product was insect-infested and dirty, and portions were short weight.

On October 22, 1937, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine boxes of candy at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 30, 1937, from Dallas, Tex., by Consolidated Candy Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Triple C 150 Scotty Deal Consolidated Candy Co., Dallas, Texas" (wax wrappers) "O-K Caramel," "Speed-Way \* \* \* 1½ Oz. or Over," or "Kiddo \* \* \* 1½ Oz. or Over."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

Misbranding was alleged in that the statement (Speed-Way and Kiddo bars) "1½ Oz. or Over" was false and misleading and tended to deceive and mislead the purchaser when applied to articles that were short weight; 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.

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

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

**28243. Adulteration of flour. U. S. v. 218 Bags of Flour. Decree of condemnation. Product released under bond. (F. & D. No. 40437. Sample No. 43833-C.)**

This product was infested with weevils.

On or about October 6, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary, filed in the district court a libel praying seizure and condemnation of 218 bags of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about April 5, 1937, from Portland, Oreg., by Crown Mills, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Soft Wheat Clear Bleached \* \* \* Crown Mills, Portland, Oregon."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 29, 1937, General Mills, Inc., 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 used as animal feed, or for some purpose other than human consumption.

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

**28244. Adulteration of flour. U. S. v. 654 Bags of Flour. Consent decree of condemnation. Product released under bond to be used for purposes other than human food. (F. & D. No. 40446. Sample No. 43834-C.)**

This product was infested with weevils.

On or about October 8, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 654 bags of flour at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about May 29, 1937, from Portland, Oreg., by Terminal Flour Mills Co., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Gold Medal Flour Co Terminal Twenty." It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.