

On January 20, 1939, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of lemon extract at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce from Vancouver, Wash., on or about December 30, 1938; and charging adulteration and misbranding in violation of the Food and Drugs Act. This shipment consisted of goods formerly shipped to Vancouver, Wash., which had been returned by the consignee. The article was labeled in part: "Bake-Rite Pure Lemon Extract Bake-Rite Co. San Francisco."

It was alleged to be adulterated in that an imitation lemon extract deficient in lemon oil had been substituted wholly or in part for it; and in that it was mixed and colored in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statements, (case) "Lemon Extract" and (bottle) "Pure Lemon Extract," were false and misleading and tended to deceive and mislead the purchaser when applied to imitation lemon extract deficient in lemon oil and which contained artificial color. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the distinctive name of another article.

On July 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**30806. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 45548. Sample No. 67370-D.)**

This product contained less than 80 percent of milk fat.

On June 29, 1939, 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 31 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about June 20, 1939, by Kearney Cooperative Creamery from Minden, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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 act of March 4, 1923.

On July 17, 1939, Kearney County Cooperative Creamery, 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 so that it contain at least 80 percent of milk fat.

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

**30807. Adulteration of butter. U. S. v. 20 Packages and 80 Packages of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 45282. Sample No. 44628-D.)**

This product contained less than 80 percent of milk fat.

On April 28, 1939, 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 20 packages of sweet butter and 80 packages of salted butter at Bloomfield, N. J.; alleging that the article had been transported in interstate commerce on or about April 25, 1939, by John Tenson from Huff's Church Creamery, Allentown, Pa.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Huff's Church Pure Creamery Butter, Moyer Bros. \* \* \* Barto, Pa."

It was alleged to be adulterated in that a product which contained 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 act of March 4, 1923.

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and that the product be delivered to a charitable institution.

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