

204. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1093. Sample No. 68216-D.)

On November 20, 1939, the United States attorney for the Southern District of New York filed a libel against 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 14, 1939, by the South Mountain Creamery, Inc., from Middletown, Md.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On December 4, 1939, South Mountain Creamery, 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 reworked so that it contain at least 80 percent butterfat.

205. Adulteration of butter. U. S. v. 12 Tubs and 1 Tub of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1092. Sample Nos. 68069-D, 68070-D.)

On November 17, 1939, the United States attorney for the Southern District of New York filed a libel against 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 3, 1939, by Linton Creamery Co. from Linton, N. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 29, 1939, Linton Creamery 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 so that it contain at least 80 percent butterfat.

206. Adulteration and misbranding of butter. U. S. v. 249 32-Pound Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 846. Sample No. 81138-D.)

On October 17, 1939, the United States attorney for the Western District of New York filed a libel against 249 32-pound cartons of butter at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about October 7, 1939, by Beatrice Creamery Co. from Champaign, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Wrapper) "Pasteurized, The Peak of Perfection, Arpeako Butter, Country Roll, Packed Exclusively for Rochester Packing Co., Inc., Rochester, N. Y."

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.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On December 4, 1939, the Beatrice Creamery 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 so that it comply with the law.

207. Adulteration of butter. U. S. v. 10 Cases of Creamery Butter. Default decree of condemnation. Product ordered delivered to public welfare agency. (F. D. C. No. 820. Sample No. 82937-D.)

On or about October 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 10 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 13, 1939, by the Borden Co. from Nashville, Tenn., and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat, had been substituted for butter. The article was labeled in part: (Carton) "Morning Glory Creamery Butter."

On November 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered released to a public welfare agency.

208. Adulteration of butter. U. S. v. 16 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 788. Sample No. 79060-D.)

On October 14, 1939, the United States attorney for the Northern District of Georgia filed a libel against 16 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by Borden & Co. from Nashville, Tenn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of

milk fat had been substituted for butter. The article was labeled in part: (Wrapper) "Cudahy's Sunlight Creamery Butter. * * * The Cudahy Packing Co. Distributors."

On November 21, 1939, the Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond to be reworked under the supervision of this Department and to be brought into compliance with the law.

209. Adulteration and misbranding of butter. U. S. v. 6 Cases of butter. Default decree of condemnation and destruction. (F. D. C. No. 832. Sample No. 82932-D.)

Samples of this product were found to contain filth, to be deficient in milk fat, and to be short weight.

On or about October 16, 1939, the United States attorney for the Northern District of Georgia filed a libel against six cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by Mountain Valley Creamery from Brasstown, N. C.; and charging that it was adulterated and misbranded. It was labeled in part: "Kingan's Reliable Pure Creamery Butter * * * Packed for Kingan & Co. General Offices Indianapolis, Ind."

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 by weight of milk fat, as prescribed by the Act of March 4, 1923. It was alleged to be adulterated further in that it consisted in whole or in part of a filthy substance.

The product was alleged to be misbranded in that the statement on the carton label, "One Pound Net Weight," was false and misleading since it was not accurate. It was alleged to be misbranded further in that the package or label failed to bear an accurate statement of the quantity of contents, since the amount found was less than that declared on the label.

On November 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS AND EGG PRODUCTS

210. Adulteration of shell eggs. U. S. v. 122 Cases of Shell Eggs. Decree of condemnation and destruction. (F. D. C. No. 736. Sample No. 67480-D.)

These eggs were decomposed.

On October 16, 1939, the United States attorney for the Eastern District of New York filed a libel against 122 cases of shell eggs at Valley Stream, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about October 6, 1939, by an unknown shipper from New Jersey; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 18, 1939, judgment was entered ordering the immediate destruction of the product since it was a nuisance and menace to health.

211. Adulteration of frozen eggs. U. S. v. 142 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 587. Sample No. 67422-D.)

This product was in interstate commerce when examined, and at that time it was found to be in whole or in part decomposed.

On September 12, 1939, the United States attorney for the District of New Jersey filed a libel against 142 cans of frozen eggs at North Bergen, N. J., alleging that the article had been shipped in interstate commerce on or about July 31, 1939, by Litchfield Produce Co. from Litchfield, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed or putrid substance. The article was labeled in part: "Elpeco Brand Mixed Whole Eggs."

On October 25, 1939, Sheppard Baking Co., North Bergen, N. J., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the portion found to be decomposed be denatured and disposed of for some approved technical purpose.