

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

On May 20, 1940, Frank Hellerick & Co., Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

**553. Adulteration of butter. U. S. v. 14 Cubes of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 1724. Sample No. 7410-E.)**

On March 18, 1940, the United States attorney for the Southern District of California filed a libel against 14 cubes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 7, 1940, by the Pine Eagle Dairymen's Cooperative Association from Payette, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Farmers Coop. Creamery, Payette, Idaho."

On April 11, 1940, the Challenge Cream & Butter Association, Los Angeles, Calif., claimant, having admitted the allegations of the libel, a decree of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

**554. Adulteration and misbranding of butter. U. S. v. 14<sup>5</sup>/<sub>8</sub> Cases of Butter. Consent decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1638. Sample No. 72150-D.)**

This product was found to be deficient in milk fat and the packages were found to be short of the declared weight.

On February 29, 1940, the United States attorney for the Western District of Missouri filed a libel against 14<sup>5</sup>/<sub>8</sub> cases, each containing thirty 1-pound prints, of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, by the Rasmussen Creamery Co. from Paola, Kans.; and charging that it was adulterated and misbranded. It was labeled in part: "Hillcrest Brand. \* \* \* Distributor Kelley Butter Co., Kansas City."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that the actual net weight found was less than the declared weight of "1 lb. net."

On March 13, 1940, no claim or answer having been filed and the consignee having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

**555. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2133. Sample No. 4887-E.)**

On or about May 22, 1940, the United States attorney for the Northern District of Illinois filed a libel against 31 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 4, 1940, by Saline Milk Products Co. from Marshall, Mo.; 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 May 22, 1940, Saline County Milk Producer Association, 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.

**556. Adulteration and alleged misbranding of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released to claimant for reconditioning. (F. D. C. No. 1923. Sample No. 13944-E.)**

On or about April 26, 1940, the United States attorney for the Western District of Washington filed a libel against 6 cubes, each containing 68 pounds, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 19, 1940, by the Saunders County Dairy Co-op from

Plains, Mont.; and charging that it was adulterated and misbranded. It was labeled in part: "Klock Produce Co. Seattle. B. Q. Butter."

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 that should contain not less than 80 percent of milk fat as provided by law. The article 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 April 30, 1940, the Saunders County Dairy Co-op having filed a claim and having admitted the allegations of the libel, and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering that it be condemned, but providing that it might be released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**557. Adulteration and misbranding of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1730. Sample No. 10311-E.)**

On March 25, 1940, the United States attorney for the Southern District of New York filed a libel against 12 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 11, 1940, by Sorensen Creamery from Big Stone City, S. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed by J. R. Kramer, Inc. New York."

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 April 5, 1940, Sorensen Creameries, Big Stone City, S. Dak., 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.

**558. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking and reprocessing. (F. D. C. No. 1981. Sample No. 10961-E.)**

On May 9, 1940, the United States attorney for the Southern District of New York filed a libel against 14 tubs, each containing 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1940, by the Stanton Cooperative Creamery from Stanton, Nebr., to Omaha, Nebr., and thence to New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed by Dairy & Poultry Co-op. Inc. \* \* \* New York."

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. The article was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On June 3, 1940, the Stanton Cooperative 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 of butterfat.

**559. Adulteration and misbranding of butter. U. S. v. 14 Cubes of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 1729. Sample No. 7327-E.)**

On March 20, 1940, the United States attorney for the Southern District of California filed a libel against 14 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Surface Creek Creamery Association from Eckert, Colo.; and charging that it was adulterated and misbranded.

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 that should contain not less than 80 percent by weight of milk fat, as provided by law. It was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading when applied to an article that contained less than 80 percent by weight of milk fat.

On April 11, 1940, the Challenge Cream & Butter Association, Los Angeles, Calif., claimant, having admitted the allegations of the libel, a decree of con-