

On May 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**567. Adulteration and misbranding of whipt butter. U. S. v. 11 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 1721. Sample No. 9397-E.)**

This product was packed in the standard 1-pound butter carton. Air had been incorporated in it to such an extent, however, that the 8-ounce prints practically occupied the volume ordinarily occupied by 1 pound of butter. Its labeling bore false and misleading health claims.

On March 28, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 11 cases, each containing thirty 8-ounce cartons, of whipt butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 8, 1940, by the North Pole Cold Storage Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Churn-Whipt Brand Creamery Butter 8 Ounces Net Distributed by Longino & Collins New Orleans, La."

The article was alleged to be adulterated in that air had been mixed and packed with it so as to increase its bulk.

It was alleged to be misbranded in that the prominent designation on the label, "Creamery Butter," was false and misleading when applied to butter with which air had been incorporated so as to practically double its bulk. It was alleged to be misbranded further in that the statements, "good reasons for serving this good butter \* \* \* Butter is economical \* \* \* Butter makes good food taste better," borne on the label, were false and misleading, since they implied that the article was a product, ordinarily known as butter, in which air had not been incorporated. It was alleged to be misbranded further in that the statement "Butter builds up resistance to disease," borne on the label, regarding its therapeutic capabilities, was false and misleading.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**CREAM**

**568. Adulteration of cream. U. S. v. One 10-Gallon and Four 5-Gallon Cans of Cream (and 11 other seizure actions involving cream). Consent decrees of condemnation and destruction. (F. D. C. Nos. 1770, 1771, 1772, 1774, 1775, 1791, 1792, 1795, 1897, 1898, 1899, 1901. Sample Nos. 6401-E, 6402-E, 6403-E, 6405-E, 6409-E, 6410-E, 6661-E, 6662-E, 6671-E, 6672-E, 6676-E, 6677-E.)**

This product was in whole or in part filthy, putrid, or decomposed.

On March 6, 8, 15, 20, 22, and 27, 1940, the United States attorney for the District of Colorado filed libels against thirteen 10-gallon cans, thirteen 5-gallon cans, five 8-gallon cans, and one 3-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about March 2 to March 24, 1940, by various shippers as follows: Campbell Produce Co., Benkelman, Nebr.; Clare D. Whaley, Callaway, Nebr.; U. R. Wichern, Cody, Wyo.; H. L. Erickson, Holdridge, Nebr.; Guy M. Shafer, Clayton, N. Mex.; M. J. Ball, Hedley, Tex.; H. C. Gilliland, Joshua, Tex.; Roy Britt, Hedley, Tex.; Geo. A. Kump, Jennings, Nebr.; Mrs. Bluford C. Trusty, Grafton, Nebr.; J. A. Sterling, Potter, Nebr.; Howard McKay, Dresden, Kans.; H. A. Bohn, Athol, Kans.; John Kruse, Grinnell, Kans.; L. E. Hammerschmidt, Victoria, Kans.; John C. Schwab, Deaver, Wyo.; F. W. Barlow, Melrose, N. Mex.; Mrs. Myrl Bloom, Paxton, Nebr.; H. J. Langdon, Selden, Kans.; A. L. Bangert, Big Springs, Nebr.; Co-Op Union Merc. Co., Black Wolf, Kans.; Mrs. Alice Engle, Billings, Mont.; F. J. Farrell, Hartley, Nebr. (from Lebanon, Nebr.); L. L. Heard, Hartley, Tex. (from Channing, Tex.); J. H. Blakesley, Thermopolis, Wyo.; Adams Bros., Cozad, Nebr.; Kyle Johnson, Terreton, Idaho (from Hamer, Idaho); Paul Fickenschner, Gothenburg, Nebr.; M. W. Woolstrum, Garland, Wyo. (from Lovell, Wyo.).

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignee having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the action.

**569. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Decree of condemnation and destruction. (F. D. C. No. 664. Sample No. 81020-D.)**

This product was filthy and decomposed.

On September 25, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against two 10-gallon cans of cream at Pittsburgh,

Pa., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, one lot by Sam A. Miller from Dover, Del., and one by J. T. Fisher from Poolesville, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On September 25, 1939, the court having found that the product was spoiled and the consignee having recommended its immediate destruction, judgment was entered ordering that it be destroyed.

**570. Adulteration of cream. U. S. v. Three 5-Gallon Cans and Five 10-Gallon Cans of Cream (and 3 other seizure actions involving cream). Default decrees of condemnation and destruction.** (F. D. C. Nos. 345, 1793, 1794, 1900. Sample Nos. 30793-D, 6663-E, 6670-E, 6675-E.)

This product was in whole or in part filthy and decomposed.

On July 22, 1939, and March 15, 20, and 23, 1940, the United States attorney for the District of Colorado filed libels against eight 5-gallon cans, one 8-gallon can, and seven 10-gallon cans of cream at Denver, Colo., alleging that it had been shipped in interstate commerce on or about July 18, 1939, and March 12, 16, and 21, 1940, by various shippers, namely: Fremont Dairymen's Cooperative Marketing Association, from Hudson, Wyo.; U. R. Wichern, from Cody, Wyo.; G. E. Thompson, from Ogallala, Nebr.; Mrs. Albert Bogaerf, from Madrid, Nebr.; Joe Poloncek, from Ogallala, Nebr.; Lorenzo Jacobsen, from Montpelier, Idaho; Robert F. Day, from Floydada, Tex.; James McKenna, from Norton, Kans.; and Lowell McCabe, from Norton, Kans.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignees having admitted the allegations of the libels and having consented to the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the actions.

### EGGS

**571. Adulteration of shell eggs. U. S. v. 162 Cases of eggs. Default decree of condemnation and destruction.** (F. D. C. No. 1877. Sample No. 13652-E.)

This product was in whole or in part decomposed and otherwise inedible.

On or about April 26, 1940, the United States attorney for the Western District of Washington filed a libel against 162 cases of shell eggs at Takoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1940, by Mountain Valley Produce from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food. It was labeled in part: "Uncandled" or "Rots."

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**572. Adulteration of frozen whole eggs. U. S. v. 200 Cans of Frozen Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 1653. Sample No. 13326-E.)

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

On March 20, 1940, the United States attorney for the Territory of Hawaii filed a libel against 200 cans of frozen eggs at Honolulu, T. H., consigned by Swift & Co., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, from Portland, Oreg.; and charging that it was adulterated in that it was in whole or in part filthy, putrid, decomposed, and otherwise unfit for food.

On April 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**573. Adulteration of frozen eggs. U. S. v. 1,254 Cans of Frozen Eggs. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 1968. Sample No. 7830.)

This product was in interstate commerce at the time of examination and was found to be in part decomposed at that time.

On May 14, 1940, the United States attorney for the Southern District of California filed a libel against 1,254 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Lubbock Poultry & Egg Division of Wilson & Co.,