

**740. Adulteration and misbranding of butter. U. S. v. 24 Cartons and 45 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. Nos. 3022, 3030. Sample Nos. 33349-E, 33369-E.)**

On September 5 and September 11, 1940, the United States attorney for the Southern District of New York filed libels against 69 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 19 and August 27, 1940, by the Beardsley Creamery Co. from Beardsley, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter. Distributed by S. & W. Waldbaum 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. It was alleged to be misbranded in that the package was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On September 26, 1940, the claimant, the Beardsley Creamery Co., having admitted the allegations of the libels, a consolidated 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.

**741. Adulteration and misbranding of butter. U. S. v. 25 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 1949. Sample No. 2348-E.)**

On May 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 25 cases of butter at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about April 20, 1940, by the Beatrice Creamery Corporation from Champaign, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Case) "Butter Distributed by Beatrice Creamery Co."; (wrapper) "Cloverdale Creamery Made Expressly for Genery Stevens Co. Worcester, Mass."

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

On May 13, 1940, the Beatrice Creamery Corporation, 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.

**742. Adulteration and misbranding of butter. U. S. v. 7 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3165. Sample No. 24491-E.)**

On October 1, 1940, the United States attorney for the Southern District of New York filed a libel against seven cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 17, 1940, by the Brooten Cooperative Creamery Association from Brooten, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Distributed by Zenith Godley Co. \* \* \* Philadelphia, Pa. \* \* \* Mfg. By Brooten Co-Op. Cry. Ass'n., Brooten, Minn."

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

On October 11, 1940, the Brooten Cooperative Creamery 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 so that it contain at least 80 percent of milk fat.

**743. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2664. Sample Nos. 30543-E, 30547-E.)**

On or about August 14, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 28, 1940, by the W. A. Burch Co. from Medford, Okla.; 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. It was labeled in part: "Butter Distributed by Dauber Bros. Chicago."