771. Adulteration of butter. U. S. v. 62 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3018. Sample No. 30558–E.)

On or about September 5, 1940, the United States attorney for the Northern District of Illinois filed a libel against 62 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by the Lyon County Creamery from Tracy, Minn.; 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 * * * Manufactured by Frank Pilley & Sons, Inc. * * * Omaha."

On October 2, 1940, the claimant, Miles Friedman, Inc., 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.

772. Adulteration and misbranding of butter. U. S. v. 59 60-Pound Cartons of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2064. Sample No. 14718–E.)

On May 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against fifty-nine 60-pound cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Mananah Creamery from Mananah, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by C. G. Heyd & Co., Phila, Pa."

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. It was alleged to be misbranded in that the statement "Butter," on the label, was false and misleading since the product contained less than 80 percent of milk fat.

On May 28, 1940, C. G. Heyd & Co., Philadelphia, Pa., 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.

773. Adulteration and misbranding of butter. U. S. v. 35 Tubs of Butter (and one other seizure of butter). Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3207, 3237. Sample Nos. 34160–E, 34175–E.)

On October 4 and October 9, 1940, the United States attorney for the Southern District of New York filed libels against 62 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 19 and September 21, 1940, by the Marion Cooperative Creamery from Marion and Marion Junction, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter, Walton & Co. * * * 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 it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On October 18, 1940, the Marion Cooperative Creamery, claimant, having admitted the allegations of the libels, and the cases having been 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 milk fat.

774. Adulteration of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2620. Sample No. 30541–E.)

On or about August 10, 1940, the United States attorney for the Northern District of Illinois filed a libel against three tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by the Merrick Dairy Co. from Beloit, Wis.; 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: "Merrick Dairy Co. * * * Butter Karsten & Sons * * * Chicago, Ill. Distributors."

On August 24, 1940, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.