

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. A portion was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The said portion was alleged to be misbranded in that it was labeled "Butter," whereas it contained less than 80 percent by weight of milk fat.

On September 16, 1941, no claimant having appeared for the butter seized at Atlanta, judgment of condemnation was entered and the product was ordered destroyed. On October 2, 1941, no claimant having appeared for the seizure at Indianapolis, judgment was entered ordering that the product be rendered into inedible grease under the supervision of the Food and Drug Administration.

**2348. Adulteration of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into butter oil.** (F. D. C. No. 5290. Sample Nos. 47179-E, 62241-E.)

On July 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 35 tubs of butter at Chicago, Ill., alleging that the article had been shipped on or about July 8, 1941, by La Belle Creamery Co. from La Belle, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 26, 1941, S. Kramme and Peder Kristensen, trading as K. & K. Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into purified butter oil under the supervision of the Food and Drug Administration.

**2349. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6019. Sample No. 54213-E.)

On October 4, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 5 64-pound tubs of butter at Philadelphia, Pa., alleging that the article had been shipped on or about October 1, 1941, by McCrum's Creamery from Lexington, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

On October 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2350. Adulteration of butter. U. S. v. 67 Boxes, 42 Boxes, 15 Cases, and 4 Cases of Butter. Decrees of condemnation and destruction or sale.** (F. D. C. Nos. 4998, 5065, 5179, 5873. Sample Nos. 17488-E, 17489-E, 40366-E, 40367-E, 59634-E.)

Between June 11 and September 11, 1941, the United States attorneys for the Southern and the Northern Districts of West Virginia and the Middle District of Pennsylvania filed libels against the following amounts of butter: 57 boxes and 4 cases each containing 32 pounds, and 10 boxes each containing 64 half-pound rolls at Charleston, W. Va.; 40 boxes each containing 32 pounds, 1 box containing 24 pounds, and 1 box containing 22 pounds at Clarksburg, W. Va.; and 15 cases each containing 32 pounds at Harrisburg, Pa., alleging that the article had been shipped within the period from on or about May 28 to on or about September 4, 1941, by the Merchants Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: "Rose [or "Springfield" or "Clover"] Brand Creamery Butter."

On August 30, 1941, no claimant having appeared for the product seized at Harrisburg, judgment of condemnation was entered and it was ordered sold for rendering purposes. The claimant for the butter seized at Clarksburg having consented to immediate destruction of the article and no claimant having appeared for that seized at Charleston, on July 14 and 16 and September 23, 1941, judgments of condemnation were entered and the product was ordered destroyed.

**2351. Adulteration and misbranding of butter. U. S. v. 11 Boxes of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5872. Sample No. 62424-E.)

This product, in addition to containing mold, was mislabeled because it failed to give the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

On August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 11 boxes of butter at Chicago, Ill., alleging that the article had been shipped on or about August 9, 1941, by B. Brice Nash

Creamery from Manhattan, Kans.; and charging that it was adulterated and misbranded.

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

It was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and an accurate statement of the quantity of the contents.

On October 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2352. Adulteration and misbranding of butter. U. S. v. 43 Cartons and 15 Cartons of Butter. Consent decree of condemnation. Portion of product ordered released under bond to be reworked; remainder ordered destroyed.** (F. D. C. No. 5281. Sample Nos. 56923-E, 56924-E.)

A portion of this product not only contained excessive mold but was deficient in milk fat.

On July 17, 1941, the United States attorney for the District of New Jersey filed a libel against 58 cartons each containing 65 pounds of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 30, 1941, by the Producers Creamery Co. from Kirksville, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "June Dairy Products Co., Inc. Distributors \* \* \* Butter."

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; and (44 cartons) in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading.

On August 29, 1941, the June Dairy Products Co., Jersey City, N. J., 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 as to contain at least 80 percent by weight of milk fat excepting 44 cartons which were ordered disposed of for purposes other than human consumption, all under the supervision of the Food and Drug Administration.

**2353. Adulteration of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 5728. Sample No. 67087-E.)

On August 21, 1941, the United States attorney for the Western District of Tennessee filed a libel against 9 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 24, 1941, by the Sardis Creamery Co. from Sardis, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Shipping case) "President Creamery Butter Distributed by Abraham Bros. Packing Co."

On October 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2354. Adulteration of butter. U. S. v. 125 30-Pound Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into butter oil.** (F. D. C. No. 2662. Sample Nos. 27364-E to 27367-E, incl.)

On or about August 10, 1940, the United States attorney for the Northern District of Ohio filed a libel against 125 30-pound cases of butter at Cleveland, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about July 1 to on or about July 10, 1940, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. It was labeled in part: "Clover Springs Brand Butter."

On or about April 14, 1941, Paul A. Schulze 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 converted into butter oil.

**2355. Adulteration of butter. U. S. v. 96 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be converted into soap stock.** (F. D. C. No. 5866. Sample No. 74484-E.)

On September 16, 1941, the United States attorney for the Southern District of New York filed a libel against 96 tubs, each containing approximately 63 pounds, of butter at New York, N. Y., alleging that the article had been