

more, Md., alleging that the article had been shipped in interstate commerce within the period from on or about May 23, 1942, to on or about October 1, 1942, by the Sugar Creek Creamery Co. from Bristol, S. Dak., Louisville, Ky., and Dardanelle, Ark.; and charging that it was adulterated. The article was labeled in part: "Country Roll Creamery Butter Pasteurized Distributors Wilson & Co.," "Clear Brook Creamery Butter," "Daisy Maid Brand Creamery Butter," "Sugar Creek Butter," or "Quality Sweet."

That portion of the product located at Boston, Mass., 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 remainder of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

On June 30, 1942, and October 9, 1942, the Sugar Creek Creamery Co., claimant for the lots seized at Boston and Baltimore, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released upon the execution of a bond or the deposit of collateral conditioned that the former be reworked so that it contain 80 percent of milk fat and the latter lot be reprocessed and converted into refined butter oil. On May 29 and June 6 and 8, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the lots located at Miami and Birmingham were ordered denatured and salvaged for war purposes and the lot located at Norfolk was ordered destroyed.

**3888. Adulteration of butter. U. S. v. 25 Cases of Butter (and 3 other seizure actions against butter).** Consent decree of condemnation entered for one lot; default decrees of condemnation entered for the remainder. One lot ordered destroyed; remainder ordered sold for commercial purposes. (F. D. C. Nos. 7868, 7870, 7871, 7976. Sample Nos. 94101-E, 94106-E, 6002-F.)

One of these four lots of butter contained excessive mold, one was deficient in milk fat, and in the remaining two lots both conditions were found.

On or about June 19 and July 10, 1942, the United States attorneys for the Eastern District of Missouri, Eastern District of Illinois, and Western District of Tennessee filed libels against 53 32-pound cases and 25 30-pound cases of butter at St. Louis, Mo., 11 30-pound cases of butter at East St. Louis, Ill., and 3 63-pound tubs and 3 68-pound cubes of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about June 9 to on or about June 17, 1942, by Armour & Co. from East St. Louis, Ill., Elk City, Okla., St. Louis and Springfield, Mo.; and charging that it was adulterated. Portions of the article were labeled in part: "Golden-dale Butter," or "Armour's Cloverbloom Butter."

The article in the 3 tubs and 3 cubes at Memphis, Tenn., was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The 53 cases of the product at St. Louis, Mo., were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The remaining lots were alleged to be adulterated in that they consisted in whole or in part of filthy substances and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 24, 1942, Armour & Co. having appeared as claimant for the 53 cases seized at St. Louis, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration. On July 21, August 29, and September 23, 1942, no claimant having appeared for the remaining lots, judgments of condemnation were entered and they were disposed of as follows: 25 cases were ordered sold on condition that they would be used in compliance with the law and were disposed of as tankage; the remaining 2 lots were ordered destroyed and were disposed of, in one instance as tankage, and, in the other, as soap stock.

**3889. Adulteration and misbranding of butter. U. S. v. 155 Pounds of Butter (and 10 additional seizure actions against butter).** Decrees of condemnation. Portions of product ordered denatured and sold for technical purposes or destroyed; portion ordered delivered to a charitable institution; portion ordered released under bond for reworking. (F. D. C. Nos. 7596, 7774, 7818, 7819, 7860, 7862, 7908, 7912, 7916, 7917, 7977. Sample Nos. 48698-E, 54581-E, 70500-E, 70599-E, 80782-E, 83136-E, 87100-E, 87990-E, 87991-E, 87992-E, 6004-F.)

One lot of this butter was short of the declared weight, one lot was low in milk fat, and the remaining lots contained excessive mold.

Between May 22 and July 10, 1942, the United States attorneys for the Southern District of Ohio, Eastern District of Pennsylvania, Southern District of West

Virginia, Southern District of Florida, Eastern District of South Carolina, Northern District of Alabama, Eastern District of Virginia, and Western District of Tennessee filed libels against a total of 155 1-pound cartons, 98 21/32 cases, each full case containing 32 pounds, 3 63-pound tubs, and 26 68-pound cubes of butter in various lots at Cincinnati, Ohio, Philadelphia, Pa., Charleston and Huntington, W. Va., Tampa and Miami, Fla., Charleston, S. C., Birmingham, Ala., Norfolk, Va., and Memphis, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about May 19 to June 26, 1942, by Armour Creameries, from Louisville, Ky., Springfield, Mo., and Bismarck, N. Dak.; and charging that it was adulterated and misbranded. Portions of the article were labeled in part: "Armour's Cloverbloom Butter," or "Avondale Butter."

The portions seized at Charleston and Huntington, W. Va., Tampa and Miami, Fla., Charleston, S. C., Birmingham, Ala., Norfolk, Va., and Memphis, Tenn., were alleged to be adulterated in that they consisted in whole or in part of filthy or decomposed substances. The portion located at Philadelphia, Pa., 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 should contain not less than 80 percent of milk fat. The portion located at Cincinnati, Ohio, was alleged to be misbranded in that the statements (carton) "One Pound Net" and (wrapper) "1/4 Lb. Net Weight" were false and misleading since the statements were not correct, the packages being short weight.

Between June 19 and October 26, 1942, no claimant having appeared, judgments of condemnation were entered in all cases. The portion which was located at Cincinnati was ordered delivered to a charitable institution; the portion which was located at Philadelphia was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration; those portions located at Charleston, W. Va., Miami, Huntington, and Birmingham were ordered denatured and disposed of for technical uses; and the portions located at Memphis, Norfolk, Tampa, and Charleston, S. C., were ordered destroyed.

**3890. Adulteration and misbranding of butter. U. S. v. 14 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 7624. Sample No. 80093-E.)

In addition to containing mold, this product was also short of the declared weight.

On May 8, 1942, the United States attorney for the Southern District of Ohio filed a libel against 14 cases of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about May 1, 1942, by the Napoleon Creamery from Napoleon, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "1/4 Lb. Net Wt. \* \* \* Countryside Farm Products Co. Cincinnati, Ohio. 4 Oz. net."

The article was alleged to be 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 alleged to be misbranded in that it was in package form and its labeling was false and misleading, since the parchment wrappers were marked "1/4 Lb. Net Wt. \* \* \* 4 Oz. Net," whereas they contained less than that amount.

On June 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3891. Misbranding of butter. U. S. v. 58 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for repacking and relabeling.** (F. D. C. No. 7922. Sample No. 94157-E.)

On June 25, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 58 cases, each case containing 32 pounds, of butter at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about June 9, 1942, by the Gardiner Dairy & Ice Cream Co. from Garden City, Kans.; and charging that it was misbranded in that the prints did not contain 1 pound net as labeled. The article was labeled in part: (Cases) "Mayrose Creamery Butter Distributed by St. Louis Independent Packing Co. St. Louis Mo."; (wrappers of portion) "1 Lb. Net Weight"; (cartons of remainder) "One Pound Net Weight."

On July 18, 1942, the Gardiner Dairy & Ice Cream 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 repacked