

ment. On March 18, after consideration of the testimony and briefs and arguments of counsel, the court made findings of fact that the product consisted in part of a filthy substance by reason of the presence of filth, and that the renovation processes employed in renovating butter factories, and specifically by the claimant, would not purge the product of those filth elements such as maggot and other insect fats and fat extractives. The court also found as conclusions of law that the product was adulterated; that the law prohibited interstate shipment of food which consisted in part of any filthy substance; and that it should not be released for renovation into human food, but that the claimant might obtain release of the product for its conversion for some use other than human consumption.

In accordance with the above findings, judgment of condemnation was entered and the product was ordered released under bond for conversion into soap, glycerin, or other substance for use other than human consumption, under the supervision of the Federal Security Agency. Notice of appeal was filed by the claimant on April 16, 1946. However, the claimant failed to perfect its appeal, and accordingly an order dismissing the appeal was entered by the United States Circuit Court of Appeals for the Fifth Circuit on January 4, 1947.

13255. Adulteration of butter. U. S. v. 99 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 24147, 24154, 24160, 24161, 24205. Sample Nos. 714-K, 19007-K, 19008-K, 19029-K, 22651-K, 22652-K, 22664-K, 22665-K.)

LIBELS FILED: Between September 18 and November 13, 1947, Eastern District of Louisiana, Southern District of Florida, and Southern District of West Virginia.

ALLEGED SHIPMENT: Between September 10 and November 1, 1947, by the Sugar Creek Creamery Co., from Louisville, Ky., and Russellville, Ark.

PRODUCT: Butter. 248 boxes at New Orleans, La., 50 cases at Charleston and 43 cases at Huntington, W. Va., and 83 cases at Miami, Fla. Each box in the New Orleans lot contained 12 pounds, and each of the other containers held 32 pounds.

LABEL, IN PART: "Valley Farm Brand Creamery Butter [or "Cudahys Sunlight Creamery Butter"] * * * The Cudahy Packing Co., Distributors * * * Chicago, Ill.," "Clear Brook Creamery Butter [or "Clear Brook * * * Ol Fashund Roll"] Distributors Wilson & Co. General Offices Chicago, Ill.," "Sugar Creek Butter Distributed by Sugar Creek Creamery Company Danville, Illinois," or "Land O' Sunshine Butter * * * packed for the Winn & Lovett Grocery Company Jacksonville, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance. (Examination showed that the product contained mold.)

DISPOSITION: Between October 20 and December 10, 1947. The Sugar Creek Creamery Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for conversion into butter oil or other disposition in compliance with the law, under the supervision of the Food and Drug Administration. A total of 93 cases were denatured and sold to a tankage firm for rendering, and the remainder was converted into butter oil.

13256. Adulteration of butter. U. S. v. 20 Cases, etc. (F. D. C. No. 24696. Sample No. 22456-K.)

LIBEL FILED: February 16, 1948, District of Alabama.

ALLEGED SHIPMENT: On or about February 4, 1948, by the Cudahy Packing Co., from Nashville, Tenn.

PRODUCT: Butter. 20 cases, each containing 32 1-pound prints, and 1 case, containing 12 1-pound prints, at Birmingham, Ala.

LABEL, IN PART: "Cudahy's Sunlight Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed animal substance. (Examination showed the presence of mold.)

DISPOSITION: March 30, 1948. Default decree of condemnation. The product was ordered sold to be used in manufacturing grease, glycerin, or soap.