

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of sorghum sirup and corn sirup.

LIBELED: 9-14-60, E. Dist. Tenn. ✓

CHARGE: 403(a)—when shipped, the label statement "Sorghum" was false and misleading as applied to a mixture of sorghum sirup and corn sirup.

DISPOSITION: 11-4-60. Default—delivered to a charitable institution.

26889. Honey. (F.D.C. No. 44817. S. No. 40-760 R.)

QUANTITY: 27 cases, 12 jars each, at Sikeston, Mo.

SHIPPED: 8-30-60, from North Little Rock, Ark., by Fischer Honey Co.

LABEL IN PART: (Jar) "Jack Sprat Brand 100% Pure Honey Contents 1 lb. Distributed by Sales Producers Associates, Inc., Kansas City, Kansas."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 10-13-60, E. Dist. Mo. ✓

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 12-13-60. Default—delivered to charitable institutions.

DAIRY PRODUCTS

BUTTER

26890. Butter. (F.D.C. No. 40823. S. No. 18-995 P.)

QUANTITY: 33 boxes, each containing 30 1-lb. pkgs. of 4 ¼-lb. prints of butter, at Trinidad, Colo.

SHIPPED: Decomposed cream was shipped on 6-1-58 and 6-2-58, to Trinidad, Colo., from Texas, New Mexico, Arizona, and Oklahoma.

LABEL IN PART: (Box) "Colorado Gold Brand Creamery Butter * * * Trinidad Creamery Co., Trinidad, Colo."

RESULTS OF INVESTIGATION: The above-mentioned butter was manufactured at the Trinidad Creamery Co., Trinidad, Colo., from the decomposed cream shipped as described above.

LIBELED: 7-7-58, Dist. Colo.; amended 8-15-58. ✓

CHARGE: 402(a)(3)—contained a decomposed substance by reason of having been made from decomposed cream; and 402(e)—the article was butter and part or all of the raw material used therein consisted of a decomposed substance, namely, decomposed cream.

DISPOSITION: The Trinidad Creamery Co., claimant, filed an answer denying that the butter was adulterated or had been manufactured from decomposed cream as alleged in the libel. The claimant and the Government also served written interrogatories upon each other which were subsequently answered. The case came on for trial before the court without a jury on 1-14-59, and in the course of the trial evidence was presented by the Government concerning the making on 1-10-59 through 1-13-59, of chemical tests to determine the butyric acid content of the samples of butter and cream admitted into evidence for the purpose of determining decomposition. The claimant contended that such evidence resulted in surprise for which the claimant was not prepared. The court took the matter under advisement and on 1-19-59, ordered that the claimant should have 30 days within which to elect whether (a) to reopen

the trial for the purpose of presenting evidence concerning the validity of the butyric acid test or the results of any chemical tests to be made by the claimant, or (b) to have a retrial of all of the issues in the matter. The claimant subsequently elected to reopen the trial for the purpose of presenting additional evidence and in accordance with such election the court entered an order, on 3-31-59, setting the case down for further trial on 4-30-59. The reopening of the trial was subsequently postponed. On 6-13-60, the claimant withdrew its claim and answer for the reason that the article under seizure was of small value and may have deteriorated by reason of the length of time which had elapsed since its manufacture. On 6-14-60, the court entered a default decree of condemnation and destruction.

26891. Butter. (F.D.C. No. 43509. S. Nos. 14-565 R, 14-567 R, 14-569/70 R, 15-971/2 R, 15-974/6 R.)

QUANTITY: 48 30-lb. cases, and 10 40-lb. cases, at Louisville, Ky.

SHIPPED: Between 10-1-59 and 10-29-59, from Lanesville, Ind., by Lanesville Creamery Co.

LABEL IN PART: (Box) "Packed for the Klarer Company, Louisville, Ky. * * * Klarer Creamery Butter."

RESULTS OF INVESTIGATION: Analysis showed part of the article to be made from decomposed cream, and part to be deficient in milk fat.

LIBELED: 4-4-60, W. Dist. Ky.

CHARGE: 402(a)(3)—when shipped, a portion of the article contained a decomposed substance; and 402(b)(2)—in certain portions of the article a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 6-29-60. Consent—claimed by Henry J. Fachinger, t/a Lanesville Creamery Co., and converted into butter oil.

26892. Butter. (F.D.C. No. 43735. S. No. 2-414 R.)

QUANTITY: 9 cases, 32 1-lb. rolls each, at Miami, Fla.

SHIPPED: 6-30-60, from Louisville, Ky., by Sugar Creek Creamery Co.

LABEL IN PART: "COUNTRY ROLL BUTTER Pasteurized Distributor Wilson & Co. * * * Chicago, Ill."

RESULTS OF INVESTIGATION: Analysis showed that the article was made from decomposed cream.

LIBELED: 7-19-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 8-30-60. Consent—claimed by Sugar Creek Creamery Co., and converted into butter oil.

26893. Butter. (F.D.C. No. 43734. S. Nos. 2-406 R, 2-408 R.)

QUANTITY: 16 cases, 32 1-lb. rolls each, and 92 cases, 12 1-lb. rolls each, at Miami, Fla.

SHIPPED: 6-6-60, from Louisville, Ky., by Sugar Creek Creamery Co.

LABEL IN PART: "COUNTRY ROLL CREAMERY BUTTER."

RESULTS OF INVESTIGATION: Analysis showed that the article was made from decomposed cream.

LIBELED: 7-19-60, S. Dist. Fla.