

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 713, FOOD AND DRUGS ACT.

MISBRANDING OF BUTTER.

On or before October 13, 1910, the S. P. Pond Company, a corporation, Keokuk, Iowa, shipped from the State of Iowa into the State of Pennsylvania eighty boxes of butter, each of said boxes containing one-pound prints of butter, each of said prints of butter being inclosed in a wrapper bearing the following label: "Gold Seal Warranted Pure, fine fresh butter." Examination of samples of this product by the Bureau of Chemistry, United States Department of Agriculture, showed it to be renovated butter. As it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said eighty boxes of butter in the District Court of the United States for the said district charging the above shipment and alleging the product so shipped to be misbranded, in that each of said pound prints of butter contained in said eighty boxes was incased in a wrapper having thereon the following statement, to wit, "Warranted pure, fine, fresh butter," by which statement contained on the said wrapper the said butter was then and there labeled and branded so as to deceive and mislead the purchaser; in that said statement indicated that the butter was warranted pure, fine, fresh butter whereas, in truth and in fact, said butter was not pure, fine, fresh butter, but, on the contrary was old butter that had theretofore been reworked and renovated. The said libel also prayed the seizure and condemnation for the reason therein set forth.

On October 28, 1910, the Nice & Schreiber Company, a corporation, entered its appearance as claimants and admitted the allegations of misbranding set forth in the above libel, whereupon the case came on for hearing, and the court, being fully informed in the premises, issued its decree finding fifty of said boxes of butter, the same being all of the above shipment that was found at the time of seizure, to be misbranded as alleged in said libel and condemning and forfeiting the same to the use of the United States, with the proviso, however,

that said butter should be delivered to the above-mentioned claimants upon the payment of the costs of these proceedings and the execution and delivery of a satisfactory bond in the sum of \$500 by said claimants, conditioned, that the said butter should not be sold or otherwise disposed of contrary to law. The costs having been paid and bond furnished in accordance with the terms of the above decree, the said fifty boxes of butter were delivered to the claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 13, 1910.*