

4605. Adulteration of butter. U. S. * * * v. 15 Assorted Packages of Butter. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6929. I. S. No. 3506-l. S. No. E-427.)

On October 18, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 assorted packages of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped and transported from the State of Ohio into the State of New York, the shipment having been received on or about October 15, 1915, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it considered in particular [part] of a filthy moldy product containing large quantities of skippers and maggots, and was sour and rancid.

On November 8, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal. On November 10, 1915, an order was entered reopening the default decree and allowing the Pittsburgh Produce Co. to file its claim and answer. On December 28, 1915, the said claim and answer of the Pittsburgh Produce Co. having been filed, in which the allegations of the libel respecting 11 of the 15 packages of butter were admitted and in which it was set out that 4 of the packages were in good condition, and in which it was consented that a decree be entered condemning the 11 packages of butter, judgment of condemnation and forfeiture was entered as to the 11 packages, and it was ordered that the product should be redelivered to said claimant company upon payment of all the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act, conditioned that the 11 packages of butter should, after their release to said claimant, be destroyed or denatured under the supervision of the Department of Agriculture at the expense of said claimant, and the balance thereof be disposed of according to law.

C. F. MARVIN, *Acting Secretary of Agriculture.*