

16281. Adulteration and misbranding of butter. U. S. v. 15 Boxes of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 23602. I. S. Nos. 05790, 05794. S. No. 1798.)

On March 12, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 28, 1929, alleging that the article had been shipped by the David Cole Creamery Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. Ten boxes of the article were labeled in part: (Shipping boxes) "Royal 2 Lb. Rolls," (inner wrappers) "Royal Creamery Butter. * * * 2 Lbs. Net Weight." The remaining 5 boxes of the articles were shipped in strawboard cases labeled, "Plain 1 lb. Rolls No. 352," and bore no label on the wrappers.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

Misbranding was alleged with respect to the portion of the product contained in the said 5 boxes for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 22, 1929, the David Cole Creamery Co., Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of collateral in the sum of \$200 in lieu of bond in like amount, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat, and that the said five boxes of the product be relabeled to show the true quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16282. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 23609. I. S. No. 05791. S. No. 1799.)

On March 13, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 26, 1929, alleging that the article had been shipped by Kirschbraun & Sons (Inc.), Omaha, Nebr., and transported from the State of Nebraska into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On March 19, 1929, Kirschbraun & Sons (Inc.), Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$200 in lieu of bond in like amount, conditioned in part that it be reworked under the supervision of this department so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16283. Adulteration of butter. U. S. v. 118 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 23610. I. S. No. 05797. S. No. 1818.)

On March 20, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-