

16728. Misbranding of butter. U. S. v. Twenty 32-Pound Cartons, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24138. I. S. No. 021084. S. No. 2265.)

On August 29, 1929, the United States attorney for the District of New Jersey, 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 twenty 32-pound cartons and eighteen 12-pound cartons of butter at Paterson, N. J., alleging that the article had been transported in interstate commerce from the premises of Abe Jaffee, New York, N. Y., to the premises of D. Fullerton & Co., Paterson, N. J., in a truck owned and operated by said D. Fullerton & Co., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Special Creamery Butter, D. Fullerton & Co., Paterson, N. J., 1 Pound Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect.

On September 9, 1929, D. Fullerton & Co., Paterson, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the property, judgment was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reprinted into full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16729. Misbranding of butter. U. S. v. 51 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24041, 24053. I. S. Nos. 03722, 03723, 021078. S. Nos. 2197, 2230.)

On August 10 and August 15, 1929, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 104 cases, each containing 30 pounds, and 27 cases, each containing 15 pounds of butter, at Newark, N. J., alleging that the article had been transported in interstate commerce by the June Dairy Products Co. (Inc.), from their premises in New York, N. Y., to their premises in Newark, N. J., on or about the respective dates of August 3, August 5, August 8, and August 10, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled variously: "Pasteurized June Dairy * * * Fancy-Print-Butter * * * Four-In-One * * * One Pound Net," "Pasteurized June Dairy Fancy-Print-Butter * * * One Pound Net Sweet Butter," and "Four-In-One June Dairy * * * Butter * * * One Pound Net."

It was alleged in the libels that the article was misbranded in that the statement on the labels, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement "One Pound Net" was incorrect.

On August 16 and August 23, 1929, respectively, the June Dairy Products Co. (Inc.), Newark, N. J., claimant, having admitted the allegations of the libels and having consented that decrees be entered condemning and forfeiting the product, judgments were entered ordering that the said product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,550, conditioned in part that it be reprinted into full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16730. Misbranding of butter. U. S. v. 21 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24042. I. S. No. 021076. S. No. 2231.)

On August 14, 1929, the United States attorney for the District of New Jersey, 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 21 cases of butter at New Brunswick, N. J., alleging that the article had been transported in interstate commerce by Meyer Feller, from the premises

of Abe Jaffee, New York, N. Y., to the premises of Meyer Feller, New Brunswick, N. J., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "EMEF Brand Fancy Creamery Butter One Pound Net Weight."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net Weight," was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net Weight" was incorrect.

On August 26, 1929, Meyer Feller, New Brunswick, N. J., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be repacked in tubs and stamped to comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16731. Misbranding of butter. U. S. v. 100 Pounds of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24052. I. S. No. 021077. S. No. 2229.)

On August 16, 1929, the United States attorney for the District of New Jersey, 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 100 pounds of butter at Jersey City, N. J., alleging that the article had been transported in interstate commerce by Charles W. Press, Jersey City, N. J., from the premises of Meyer & Sornberger, New York, N. Y., to his own premises in Jersey City, N. J., on or about August 12, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Country Club Finest Creamery Butter Printed Fresh Daily by Charles W. Press 1 Lb. Net Weight."

It was alleged in the libel that the article was misbranded in that the statements on the label, "1 Lb. Net Weight" and "Printed Fresh Daily by Charles W. Press," were false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "1 Lb. Net Weight," was incorrect.

On October 1, 1929, Charles W. Press, Jersey City, N. J., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16732. Adulteration of canned stringless beans. U. S. v. 1999 Cases of Canned Stringless Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24001. I. S. No. 08593. S. No. 2245.)

On September 11, 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 1,999 cases of canned stringless beans, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by W. E. Robinson & Co., from Millenbeck, Va., on or about July 23, 1929, and transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fallston Brand Cut Green Stringless Beans * * * Packed for Maryland Canned Goods Co., Belair, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On October 1, 1929, Thurman G. Foster, Lancaster, Va., claimant, 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 execution of a bond in the sum of \$5,000, conditioned in part that it be salvaged under the supervision of this department and the adulterated portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*