

On May 21, 1930, L. F. Hersh & Bro., Elizabeth, N. J., having appeared as claimant for the property and having consented that a decree be entered condemning 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 \$1,800, conditioned in part that it be reworked and reprocessed to meet the requirements of the Federal food and drugs act, and all Federal and State laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17256. Adulteration and misbranding of butter. U. S. v. 25 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24823, 24824. I. S. Nos. 027753, 027755, 027757, 027758, 027759, 027760, 027762, 027763, 027764, 027666, 028004, 028005. S. Nos. 3070, 3094.)

On April 3 and April 10, 1930, 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 176 tubs and 131 cases of butter at Jersey City, N. J., alleging that the article had been shipped by the Great Lakes Terminal Warehouse Co., Toledo, Ohio, on or about February 1, 1930, and transported from the State of Ohio into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: "From Anna Creamery Co. * * * Anna, Ohio;" "Great Lakes Terminal Warehouse Co. of Toledo, Ohio;" "Well's Yellow Rose Creamery Butter From the Wells Creamery Co. Delphos, Ohio to Rock Island Butter Company * * * Toledo, Ohio."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 7, 1930, Droste & Snyder (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$10,500, conditioned in part that it be reworked and reprocessed. On July 21, 1930, amended decrees were entered ordering that the product be renovated so that it comply with the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17257. Adulteration and misbranding of butter. U. S. v. 3 Cases, et al., of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24807, 24808. I. S. Nos. 027665, 027752. S. Nos. 3034, 3051.)

On March 24 and March 31, 1930, respectively, the United States attorney for the Eastern District of New York, 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 6 cases of butter, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Paul A. Schulze Co., St. Louis, Mo., in two lots, on or about March 17 and March 19, 1930, respectively, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Clover Springs Creamery Butter One Pound Net * * * Paul A Schulze Company, St. Louis, Missouri."

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the article under section 8 of the act, general paragraph and paragraphs 2, 3, and 4, in the case of food, in that the quality (quantity) of the contents was incorrectly stated on the package and in that it was labeled so as to deceive or mislead the purchaser by reason of false and misleading statements: