

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of decomposed grapefruit.

On February 13, 1930, Louis Abraham, Oklahoma City, Okla., appeared as claimant for the property and filed a cash bond in the sum of \$2,000. The product was released to the said claimant to be removed to Tulsa, Okla., for reconditioning under the supervision of this department. On March 24, 1930, a decree was entered finding that the product was adulterated as alleged in the libel and was shipped in interstate commerce in violation of said act. The product having been sorted, the 240 cases which were found not in violation of the law were returned to the claimant, and the 108 cases which were found in violation of the law were destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17375. Adulteration and alleged misbranding of butter. U. S. v. 76 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24665. I. S. No. 037526. S. No. 2995.)**

On or about March 10, 1930, the United States attorney for the Eastern District of Louisiana, 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 76 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Great Atlantic & Pacific Tea Co., Chicago, Ill., on or about March 1, 1930, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Silverbrook Creamery Butter One Pound Net Weight The Great Atlantic and Pacific Tea Company, New York, N. Y."

It was alleged in the libel 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. Adulteration was alleged for the further reason that a substance containing less than 80 per cent by weight of butterfat had been substituted for butter, a product which should contain not less than 80 per cent by weight of butterfat as prescribed by the act of March 4, 1923, which the said article purported to be.

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

On March 22, 1930, the Great Atlantic & Pacific Tea Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further 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 \$700, conditioned in part that it be reworked under the supervision of this department, so that it comply with the requirements of the Federal food and drugs act defining butter and providing a standard therefor.

ARTHUR M. HYDE, *Secretary of Agriculture.*

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