

On August 4, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Jeffers Cooperative Creamery, Jeffers, Minn., on or about August 1, 1930, and had been transported in interstate commerce from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

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 large 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.

On August 11, 1930, S. & W. Waldbaum, New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed to recondition the product so that it contain at least 80 per cent of butterfat, 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 \$400, or the deposit of cash collateral in like amount, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17675. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25059. I. S. No. 2535. S. No. 3324.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 31, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Iowa Falls Creamery Co., Iowa Falls, Iowa, July 25, 1930, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith 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.

On August 7, 1930, the Iowa Falls Creamery Co., Iowa Falls, Iowa, claimant, having admitted the allegations of the libel and consented to the entry of a decree and having agreed to recondition the product so that it contain at least 80 per cent of butterfat, 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 \$900, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the Federal food and drugs act and all laws relating thereto.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17676. Misbranding of butter. U. S. v. 400 Cartons of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25256. I. S. No. 2468. S. No. 3341.)

Samples of butter from the herein described interstate shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 14, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 cartons of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by an agent of the J. A. Long Co., Portland, Ind., from Jersey City, N. J., on or about July 21, 1930, and had been transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the food and drugs act

as amended. The article was labeled in part: (Retail package) "Creamery Butter * * * One Pound Net * * * J. A. Long Co. * * * Portland, Indiana."

It was alleged in the libel that the article was misbranded in that the packages were labeled so as to deceive or mislead the purchaser by a false and misleading statement, namely, "One Pound Net." Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On August 28, 1930, J. A. Long Co., Portland, Ind., claimant, having admitted the allegations of the libel and 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 released to the said claimant upon the execution of a bond in the sum of \$6,500, or the deposit of cash bond in like amount, conditioned that it be repacked in tubs and labeled with a correct statement of the quantity of the contents.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17677. Adulteration of blueberries. U. S. v. 12 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25262, 25263. I. S. Nos. 3001, 5573. S. Nos. 3327, 3329.)

Samples of blueberries from the herein described interstate shipments having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 1 and August 4, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 28 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Henry Kontio, from Rockland, Me., in part on August 1, 1930, and in part on August 2, 1930, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On August 25, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17678. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24988. I. S. No. 036705. S. No. 3250.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about July 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Bagley Creamery Co., from Bagley, Wis., June 23, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since the article contained less than 80 per cent of milk fat.

On September 24, 1930, the Lambrecht Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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 released to the said claimant, to be