18722. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No 26737. I. S. No. 4645. S. No. 4792.)

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

On June 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., on or about May 25, 1931, and had been transported from the State of Illinois into the State of New York, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On June 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product passed by this department as fit for human consumption be delivered by the United States marshal to a charitable institution, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18723. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26741. I. S. No. 4647. S. No. 4803.)

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

On June 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Calida Creamery Co., Cozad, Nebr., on or about May 26, 1931, and had been transported from the State of Nebraska into the State of New York, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

William L. Shellhorn, New York, N. Y., agent for C. C. Bruce, Cozad, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 11, 1931, 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 $600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18724. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26736. I. S. No. 4643. S. No. 4786.)

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

On June 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., Duluth, Minn., acting for the Exeland Cooperative Creamery Association, Exeland, Wis., on or about May 20, 1931, and had been

transported in interstate commerce into the State of New York, 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 product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

Thomas G. Corcoran, agent for Hunter, Walton & Co., New York, N. Y., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 5, 1931, 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 $250, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18725. Misbranding of maple sirup. U. S. v. 30 Cartons of Maple Sirup. Consent order entered providing for release of product under bond to be relabeled. (F. & D. No. 26452. I. S. No. 28359. S. No. 4739.)

Sample cans of maple sirup from the shipments herein described having been found to contain less than the declared quantity of contents, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On May 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cartons of maple sirup, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Rigney & Co., from Brooklyn, N. Y., in part on or about October 7, and in part on or about October 11, 1930, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "6-10-lb. Cans;" (can) "DeLuxe Brand G. S. D. Vermont Pure Maple Syrup Net Weight 10 Lbs. Distributed by George S. Daugherty Co., New York, Pittsburgh, Chicago."

It was alleged in the libel that the article was misbranded in that the statements on the shipping carton, "10 lb.," and on the cans, "Net Weight 10 Lbs.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The George S. Daugherty Co., Pittsburgh, Pa., entered an appearance as claimant for the property and filed an answer admitting the allegations of the libel and consenting to the entry of a decree of condemnation and forfeiture. On July 28, 1931, judgment of the court was entered nunc pro tunc as of June 25, 1931, ordering that the product be released to the claimant for the purpose of relabeling under the supervision of this department, upon the execution of a bond in the sum of $250, and it was further ordered by the court that claimant pay costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*