

the court that the product be released to the said claimant for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19917. Misbranding of butter, U. S. v. 7 Boxes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 13103-A. F. & D. No. 28380.)

Sample cartons of butter taken from the shipment involved in this action were found to be short of the declared weight, 1 pound.

On June 6, 1932, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 7 boxes each containing fifty 1-pound cartons, and 23 cartons of butter remaining in the original packages at Washington, D. C., alleging that the article had been shipped into the District of Columbia, on or about May 24, 1932, by Markesan Creamery, from Markesan, Wis., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Markesan Creamery One Pound Pasteurized Creamery Butter Ideal * * * Markesan Wisconsin Markesan Creamery S. E. Ames, Proprietor."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "One Pound," was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason 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 quantity stated was not correct.

On June 20, 1932, Joseph S. Beall, Washington, D. C., having appeared as claimant for the property, 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 \$120, conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19918. Adulteration of butter. U. S. v. 7 Cubes of Butter. Default decree of condemnation, forfeiture, and destruction. (No. 1327-A. F. & D. No. 28313.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On April 20, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1932, by the Mutual Creamery Co., from Lewiston, Idaho, to Seattle, Wash., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "North Idaho Co-op. Cry. Lewiston."

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 30, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19919. Adulteration of butter. U. S. v. 2 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable associations. (No. 10525-A. F. & D. 28377.)

This action involved the shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 23, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 13, 1932, by the Garrison Cooperative Creamery Association, Garrison, Iowa, to New York, N. Y., 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 13, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to charitable associations, for consumption and not for sale.

HENRY A. WALLACE, *Secretary of Agriculture.*

19920. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 11005-A. F. & D. No. 28424.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On June 7, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 24, 1932, by the Paynesville Cooperative Creamery Association, through the Paynesville, Watkins and Maple Lake Creamery Association from Paynesville, Minn., to New York, N. Y., 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.

S. & W. Waldbaum (Inc.), 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 20, 1932, 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 good and sufficient bond, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

19921. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (No. 11004-A. F. & D. No. 28399.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 31, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 19, 1932, by the Farmers Creamery & Produce Co., Newell, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard for butter prescribed by the act of Congress of March 4, 1923.

Frederick F. Lowenfels & Son, New York, N. Y., interposed a claim for the product as agent for the Farmers Creamery & Produce Co., Newell, Iowa, 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 but-