

**19998. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11878-A. F. & D. No. 28490.)**

This case involved 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 July 8, 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 June 25, 1932, by the Reinbeck Farmers Creamery Co., from Reinbeck, 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 by weight of milk fat, the standard provided by the act of March 4, 1923.

The Reinbeck Farmers Cooperative Creamery Co., Reinbeck, Iowa, 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 July 12, 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 bond in the sum of \$500, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19999. Misbranding of canned tomatoes. U. S. v. 183 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be brought into compliance with the law. (Nos. 13205-A, 13245-A. F. & D. No. 28594.)**

This action involved the shipment of a quantity of canned tomatoes which were labeled "Standard," and which, because of the poor color of the article and the excess peel present, should have been labeled to show that it was sub-standard.

On August 5, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 183 cases of canned tomatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about June 27, 1932, by the Mississippi Canning Co., from Crystal Springs, Miss., to New Orleans, La., and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Standard Tomatoes \* \* \* Packed by Mississippi Canning Company, Crystal Springs, Miss."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Standard," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for canned tomatoes, because of poor color and excessive peel, and its label did not bear a plain and conspicuous statement prescribed by the said Secretary, indicating that the article fell below such standard.

On August 18, 1932, A. Glorioso, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 relabeled or reconditioned under the supervision of this department, and that it should not be sold or disposed of without having been inspected and found to be in compliance with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

**20000. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 3931-A. F. & D. No. 28487.)**

This action involved 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.