

On August 29, 1932, the Uddo-Taormina Corporation, organized under the laws of Delaware, 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 might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned that it be relabeled under the supervision of this Department, and that it should not be sold or disposed of until inspected and found in compliance with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20135. Adulteration and misbranding of butter. U.S. v. 6 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28478. Sample No. 4938-A.)

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

On June 21, 1932, the United States attorney for the Northern District of Illinois, 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 six tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 8, 1932, by the Delta Milk Producers Association, from Escanaba, Mich., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Delta Milk Producers Association * * * Butter."

It was alleged in the libel that the article was adulterated in that a substance deficient in butter fat had been mixed and packed with the said article 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 contained less than 80 percent of butter fat.

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

On September 26, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20136. 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. 28440. Sample No. 11352-A.)

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

On June 23, 1932, the United States attorney for the Eastern 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 15 tubs of butter, remaining in the original packages at Jamaica, N.Y., alleging that the article had been shipped in interstate commerce on or about June 13, 1932, by the H. C. Christians Co., from Chicago, Ill., into the State of New York, and charging adulteration and misbranding in violation of Food and Drugs Act.

It was alleged in the libel that the article was adulterated since it contained less than 80 percent of butter fat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of butter, whereas it was not butter, since it contained less than 80 percent of butterfat and did not meet the requirements of the law.

H. C. Christians & Co., Chicago, Ill., interposed a claim for the property, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contained at least 80 percent of butter fat. On June 30, 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 \$250, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*