

**21032. Misbranding and alleged adulteration of butter. U. S. v. 20 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30437. Sample no. 23050-A.)**

This case involved a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress. The quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since they contained less than the weight declared.

On March 28, 1933, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of butter at Honolulu, Hawaii, consigned by the Wing Coffee Co., alleging that the article had been shipped from San Francisco, Calif., to Honolulu, Hawaii, on March 22, 1933, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Net Weight One Pound Buttercup Brand Creamery Butter \* \* \* Distributed by O. Casperson & Sons, San Francisco"; (paper wrapper on individual prints) "Buttercup Brand Creamery Butter Net Weight 4 Ounces."

It was alleged in substance in the libel that the article was adulterated in that the milk fat content did not meet the standard established by law, since the article contained less than 80 percent by weight of milk fat.

Misbranding was alleged for the reason that the packages did not have the quantity of the contents plainly and conspicuously marked on the outside thereof.

On March 28, 1933, O. Casperson & Sons, San Francisco, Calif., and the Wing Coffee Co., a Hawaiian copartnership, having appeared and admitted the misbranding of the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. On the same date, costs of the proceedings having been paid, the court ordered the butter released to O. Casperson & Sons under the terms of a bond requiring that it be reshipped to San Francisco, Calif., and repacked, and that it should not be sold or disposed of in violation of the Federal Food and Drugs Act or the laws of the Territory of Hawaii.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21033. Adulteration and misbranding of tomato catsup. U. S. v. 87 Cases and 100 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29584, 29663. Sample nos. 28467-A, 30126-A.)**

These cases involved interstate shipments of tomato catsup which contained excessive mold and which was also found to contain added artificial color.

On December 6 and December 23, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 187 cases of tomato catsup at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about October 22, 1932, and in part on or about December 7, 1932, by the Summit Packing Co., from Wellesboro, Ind., and that it was adulterated in violation of the Food and Drugs Act. Subsequently the libels were amended to charge that the article was also misbranded.

It was alleged in the libels as amended that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Tomato Catsup", appearing on the label, was false and misleading and deceived and misled the purchaser, when applied to a product containing artificial color which was not declared on the label.

On April 4, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21034. Adulteration and misbranding of cottonseed meal and cottonseed cake. U. S. v. Standard Cake & Meal Co. Plea of guilty. Fine, \$50. (F. & D. no. 28149. I. S. nos. 45585, 45597, 47484, 47493, 50951.)**

This case was based on the interstate shipment of quantities of cottonseed meal and cottonseed cake. Samples taken from each of the shipments were