

**21267. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 30628. Sample nos. 29532-A, 29537-A.)**

This case involved a shipment 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.

On May 13, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 cases of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about May 6, 1933, by the Mountain States Creamery Co., from Salt Lake City, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Mountain Maid Creamery Butter, Mountain States Creamery Co. Salt Lake City, Utah."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

Misbranding of the article was alleged for the reason that the statement "Butter", was false and misleading since the product contained less than 80 percent of milk fat.

On May 19, 1933, Young's Market Co., Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be reworked under the supervision of this Department.

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

**21268. Adulteration and misbranding of apple butter. U. S. v. 47 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29865. Sample no. 32532-A.)**

This case involved a shipment of apple butter which was found to be contaminated with insects, and hairs of mice or other rodents. It was also falsely labeled as to the name of the manufacturer and the State in which it was produced.

On March 1, 1933, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47 cases of apple butter at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about September 29, 1932, by the National Fruit Product Co., from Winchester, Va., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Suntint Apple Butter Cumberland Valley Fruit Products Co., Martinsburg, W.Va."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

Misbranding was alleged for the further reason that the statement on the label, "Cumberland Valley Fruit Products Co. Martinsburg, W.Va.," was false and misleading and deceived and misled the purchaser, since it created the impression that the article was manufactured and packed by the Cumberland Valley Fruit Products Co. of Martinsburg, W.Va., whereas it was manufactured and packed by the National Fruit Product Co., of Winchester, Va.

On May 5, 1933, 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.

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

**21269. Misbranding of corn meal. U. S. v. 591 Sacks, et al., of Corn Meal. Decree of condemnation. Product released under bond to be relabeled or resacked. (F. & D. nos. 30581, 30582, 30583. Sample nos. 46482-A, 46483-A, 46486-A.)**

This case involved several shipments of corn meal, sample sacks of which were found to contain less than the labeled weight, 10 pounds.

On June 10, 1933, the United States attorney for the Western District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 841 sacks of corn meal at Lake Arthur, La., and 1,504 sacks of corn meal at Jennings, La., alleging that the article had been shipped in interstate commerce between May 16 and June 2, 1933, by the Josey-Miller Co., from Beaumont, Tex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Sacks) "Jo Mil Pearl Meal Manufactured by Josey Miller Company, Beaumont, Texas, 10 pounds net Pearl Meal."

It was alleged in the libel that the article was misbranded in that the statement, "10 Pounds Net", borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained less than the labeled weight. 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 statement made was incorrect.

On June 12, 1933, the Josey-Miller Co., Beaumont, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be resacked or relabeled in order to bring the contents of the sacks in accord with the weight stamped thereon.

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

**21270. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30631. Sample no. 32514-A.)**

This case involved a shipment 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.

On May 15, 1933, 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 a libel praying seizure and condemnation of 25 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about May 3, 1933, by the Farmers Mutual Creamery Co., from Monticello, Iowa, 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 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

On May 24, 1933, Watts & Sons, agents for the Farmers Mutual Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the 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 contain at least 80 percent of butterfat.

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

**21271. Adulteration of dried peaches. U. S. v. 84 Boxes and 311 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30545. Sample nos. 23128-A, 23130-A.)**

This case involved a shipment of dried peaches which were found to be in part decayed, dirty, and insect-infested.

On June 1, 1933, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eighty-four 25-pound boxes and three hundred and eleven 10-pound boxes of dried peaches at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 8, 1933, by the A. Levy and J. Zentner Co., from San Francisco, Calif., 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 consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 27, 1933, 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.

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