

21403. Adulteration of butter. U. S. v. 101 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 30997. Sample no. 43274-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 August 14, 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 101 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about August 3, 1933, by the Linn County Farmers Mutual Creamery Association, for the Farmers Mutual Creamery Co., Central City, 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 provided by the act of March 4, 1923.

On August 23, 1933, the Farmers Mutual Cooperative Creamery, Central City, Iowa, 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 \$1,800, conditioned that it be reworked so that it contain at least 80 percent of butterfat.

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

21404. Misbranding and alleged adulteration of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31204. Sample no. 44615-A.)

Sample cartons of butter taken from the shipment involved in this case were found to contain less than 1 pound, the labeled weight, samples also were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On August 9, 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 10 cases of butter at Honolulu, Hawaii, consigned by Armour & Co., alleging that the article had been shipped in interstate commerce, on August 1, 1933, from San Francisco, Calif., to Hawaii, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "One Pound Net Weight Armour's Clover Bloom Full Cream Butter Distributed by Armour Creameries * * * Chicago."

It was alleged in the libel that the article was adulterated and misbranded as follows: It contained less than 80 percent by weight of milk fat; a substance had been mixed and packed with it so as to reduce and lower its quality and strength; it was labeled, "Full Cream Pasteurized Butter One Pound Net Weight", which was false and misleading and deceived and misled the purchaser; and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On August 9, 1933, Armour & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered. The claimant having paid costs of the proceedings and filed a certified check in the amount of \$140, conditioned that the product should not be disposed of in violation of the law, an order was entered by the court providing that the butter be released to the claimant to be reshipped to San Francisco, Calif., to be repacked.

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

21405. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30966. Sample no. 46951-A.)

This case involved an interstate shipment of blueberries which were found to contain maggots.

On August 9, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at Boston, Mass., consigned August 9, 1933, alleging that the article had