

21448. Misbranding of butter. U. S. v. 10 2/3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30729. Sample no. 43263-A.)

This case involved a shipment of butter, sample cartons of which were found to contain less than the declared weight, 1 pound net.

On June 27, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 $\frac{2}{3}$ cases of butter at Hoboken, N.J., alleging that the article had been transported in interstate commerce on or about June 23, 1933, from the premises of Meistrich & Goldenberg, Inc., New York, N.Y., to the premises of the Liberty Dairy Products, Inc., Hoboken, N.J., by truck of R. Brenner, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "B. B. B. Brenner's Better Butter * * * One Pound Net * * * R. Brenner, Hoboken, N.J."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net", was false and misleading and deceived and misled the purchaser. 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 of weight was incorrect.

On July 24, 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.*

21449. Adulteration of canned shrimp. U. S. v. 291 Cases and 930 Cases of Canned Shrimp. Default decrees of condemnation and forfeiture. Product delivered to fish hatchery for fish food. (F. & D. nos. 29683, 29702. Sample nos. 27385-A, 32919-A.)

These cases involved quantities of canned shrimp which was found to be in part decomposed.

On December 24 and December 30, 1932, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,221 cases of canned shrimp at Rochester, N.Y., alleging that the article had been shipped in interstate commerce, on or about October 10, 1932, by C. B. Foster Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Miss Lou Brand Shrimp * * * Packed by C. B. Foster Packing Co., Inc., Biloxi, Miss. and Foster's Canal, La."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On August 11, 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. On August 25, 1933, an order was entered modifying the decrees and authorizing the marshal to deliver the shrimp to the fish hatcheries of the United States Bureau of Fisheries, for use as fish food.

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

21450. Adulteration of butter. U. S. v. 34 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 31301. Sample no. 40390-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 or about September 28, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1933, by Farm Mutual Creamery Association, from Orange 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.