

28904. Adulteration and misbranding of butter. U. S. v. 33 Cartons of Butter. Consent decree of condemnation. Product released under bond for reworking and relabeling. (F. & D. No. 42243. Sample Nos. 9891-D, 19324-D.)

This product contained less than 80 percent of milk fat, and its label failed to declare the quantity of the contents.

On April 9, 1938, 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 33 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 25, 1938, from Harris, Minn., by the Harris Creamery Co. to Philadelphia, Pa., and had been reshipped on or about April 1, 1938, from Philadelphia, Pa., by Zenith-Godley Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Distributed by American Stores Co., Philadelphia, Pa., Louella Registered Brand Sweet Cream Butter * * * Zenith-Godley Co. * * * Philadelphia, Pa."

It was alleged to be 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.

The article was alleged to be misbranded in that it was labeled "butter," which was false and misleading since it contained less than 80 percent of milk fat; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 21, 1938, Zenith-Godley Co., Inc., agent for Harris Cooperative Creamery Co., of Harris, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat and relabeled to show the quantity of the contents of the containers.

M. L. WILSON, Acting Secretary of Agriculture.

28905. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. & D. No. 42168. Sample No. 8519-D.)

This product contained less than 80 percent of milk fat.

On March 21, 1938, 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 14 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 13, 1938, from Plainfield, Iowa, by the Plainfield Creamery and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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 April 5, 1938, Dittmann & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked.

M. L. WILSON, Acting Secretary of Agriculture.

28906. Misbranding of chicken ravioli. U. S. v. 14 Cases and 42 Cans of Chicken Ravioli. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 41985. Sample No. 3282-D.)

This product was short weight.

On March 17, 1938, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases and 42 cans of chicken ravioli at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 1, 1938, by Delray Corporation, from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Chicken Ravioli * * * Net Weight 1 Lb. Giffi Foods Corporation San Francisco California."

The article was alleged to be misbranded in that the statement "Net Weight 1 lb." was false and misleading and tended to deceive and mislead the purchaser