

On January 26, 1939, Herman C. Fisher Co., having appeared as claimant, judgment was entered ordering that the product be released under bond to be reconditioned under the supervision of this Department to conform to the provisions of the Food and Drugs Act.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30161. Adulteration of butter. U. S. v. Four 50-Pound Boxes of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. No. 44610. Sample No. 41662-D.)

This product contained less than 80 percent of milk fat.

On December 22, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four 50-pound boxes of butter at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about December 14, 1938, by Falls City Creamery Co. from Falls City, Nebr.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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.

On January 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30162. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. No. 44473. Sample Nos. 19759-D, 44766-D.)

This product contained less than 80 percent of milk fat.

On November 29, 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 23 tubs of butter at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by Land O'Lakes Creamery, Inc., from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained 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 act of March 4, 1923.

On December 22, 1938, Land O'Lakes Creameries, Inc., claimant, having admitted the allegations of the libel, 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.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30163. Misbranding of butter. U. S. v. Four Cases of Butter. Default decree of condemnation and destruction. (F. & D. No. 44573. Sample No. 50206-D.)

This product was short weight.

On December 7, 1938, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of butter at Birmingham, Ala.; alleging that the article had been shipped in interstate commerce on or about November 30, 1938, by Swift & Co. from West Point, Miss.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Brookfield Butter Made From Pasteurized Cream 1 Lb. Net Weight."

It was alleged to be misbranded in that the statements on the labels, (wrapper) "1 Lb. Net Weight" and (case) "32 Lbs. Net," were false and misleading and deceived and misled the purchaser; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On February 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*