

**46. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 585. Sample No. 69774-D.)

On August 25, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against nine tubs of butter at Sunbury, Pa., alleging that the article had been shipped in interstate commerce on or about August 19, 1939, by Schlosser Dairy Products Co., Inc. (Isaly's Creamery Products, Inc.), from Fort Wayne, Ind.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 18, 1939, Schlosser Dairy Products Co., Inc. (Isaly's Creamery Products, 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.

**47. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 528. Sample No. 44499-D.)

On August 21, 1939, the United States attorney for the District of New Jersey filed a libel against eight tubs of butter at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about August 14, 1939, by Armour Creameries, Inc., from Minnesota Transfer, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gold Band Brand."

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.

It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading; in that a product which contained less than 80 percent by weight of milk fat had been offered for sale under the name "butter"; and in that it was an imitation of butter and the word "imitation" did not appear on the label.

On October 10, 1939, Armour & Co., 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.

**48. Adulteration of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 551. Sample Nos. 67726-D, 67734-D.)

On August 26, 1939, the United States attorney for the Southern District of New York filed a libel against 12 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1939, by Foley Creamery Co. from Foley, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 28, 1939, the Foley Creamery Co., 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.

**49. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 497. Sample Nos. 55638-D, 55639-D.)

On August 10, 1939, the United States attorney for the Northern District of Illinois filed a libel against 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by Farmers Creamery Co. from St. Olaf, Iowa; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 19, 1939, the Peter Fox Sons Co., Chicago, Ill., 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.

**50. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 637. Sample No. 67421-D.)

On September 18, 1939, the United States attorney for the Southern District of New York filed a libel against 17 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August

20, 1939, by Falfurrias Creamery Co. from Falfurrias, Tex.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 26, 1939, Falfurrias Creamery Co., 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 butterfat.

**51. Adulteration of butter. U. S. v. 2 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 693. Sample No. 35197-D.)

On October 2, 1939, the United States attorney for the District of Maryland filed a libel against 2 cartons containing 75 pounds of butter at Hagerstown, Md., alleging that the article had been shipped in interstate commerce, on or about September 29, 1939, by Jefferson Creamery from Charles Town, W. Va.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**52. Adulteration of butter. U. S. v. 25 Tubs of Salted Butter and 47 Tubs of Sweet Butter. Consent decree of condemnation. Product released under bond conditioned that portion deficient in milk fat be reworked.** (F. D. C. No. 725. Sample Nos. 68205-D, 68206-D.)

On October 3, 1939, the United States attorney for the Southern District of New York filed a libel against 72 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by South Mountain Creamery, Inc., from Middletown, Md.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 17, 1939, South Mountain Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that all tubs found to contain a product deficient in milk fat be reworked to the legal standard.

**53. Misbranding of butter. U. S. v. 250 Cases of Butter. Product released under bond to be remolded and repacked.** (F. D. C. No. 619. Sample Nos. 40837-D, 40838-D.)

This product was short of the declared weight.

On August 5, 1939, the United States attorney for the District of New Mexico filed in the district court a libel praying seizure and condemnation of 250 cases of butter at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 30, 1939, by Plains Creamery, Inc., from Amarillo, Tex.; and charging that it was misbranded. The article was labeled in part: "Sunny State Fancy Creamery Butter \* Sunny State Distributing Company, Albuquerque, New Mexico."

It was alleged to be misbranded in that it was labeled "One Pound," which was false and misleading since the packages contained less than that quantity.

On August 21, 1939, the Plains Creamery, claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product under bond conditioned that it be brought into conformity with the law under the supervision of this Department. It was remolded and repacked to the labeled weight.

**54. Misbranding of butter. U. S. v. 1,050 Pound Prints of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 644. Sample No. 35192-D.)

This product was short weight.

On September 19, 1939, the United States attorney for the District of Maryland filed a libel against 1,050 1-pound prints of butter at Cumberland, Md., alleging that the article had been shipped in interstate commerce on or about September 15, 1939, by Potomac Valley Creamery from Franklin, W. Va.; and charging that it was misbranded. The article was labeled in part: "Potomac Valley Brand Fine Creamery Butter \* \* \* One Pound Net."

It was alleged to be misbranded in that the prints did not contain 1 pound net, as labeled.

On October 11, 1939, 352 pounds having been seized and no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.