

alleging that the article had been shipped in interstate commerce, on or about May, 7, 1940, by Anderson Creamery Co. from Litchfield, Minn.; and charging that it was adulterated and misbranded.

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 it was labeled "Butter," which statement was false and misleading since the product contained less than 80 percent of milk fat.

On May 21, 1940, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under Government supervision.

530. Adulteration of butter. U. S. v. 1 Carton of Butter (and 2 other seizure actions involving butter). Decrees of condemnation. Portion of product ordered released under bond to be reworked. One tub ordered delivered to charitable institutions. (F. D. C. Nos. 2060, 2061, 2140. Sample Nos. 10970-E, 10971-E, 10975-E.)

On May 21 and 24, 1940, the United States attorney for the Southern District of New York filed 3 libels against a total of 26 cartons and 30 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7 and 13, 1940, by Arrow Creameries from Hebron, N. Dak.; 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. The article was labeled in part: "J. R. Kramer, Inc., * * * New York"; "Fortgang Bros. N. Y."; or "Jos. J. Herold Co. * * * New York."

On June 5, 1940, the Arrow Creameries, Hebron, N. Dak., and Fortgang Bros., Inc., New York, N. Y., claimants, respectively, for the product covered by two of the libels, having admitted the allegations of the said libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be reworked so that it contain at least 80 percent butterfat. On June 7, 1940, no claim or answer having been filed in the remaining action, judgment of condemnation was entered and it was ordered that the product (one carton) be delivered to a charitable institution.

531. Adulteration and misbranding of butter. U. S. v. 52 Cartons of Butter (and one other seizure action involving butter). Consent decrees of condemnation. Product released under bond for reworking. (F. D. C. Nos. 1706, 1776. Sample Nos. 10308-E, 10333-E.)

On March 18 and April 2, 1940, the United States attorney for the Southern District of New York filed libels against 99 cartons, each containing 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 5 and 20, 1940, by the Barrett Cooperative Creamery from Barrett, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed by Gude Bros. Kieffer Co."

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. It 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.

On March 28 and April 20, 1940, the Barrett Cooperative Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

532. Adulteration of butter. U. S. v. 63 Pounds of Butter. Consent decree finding product adulterated and ordering that it be delivered to a charitable institution. (F. D. C. No. 1533. Sample No. 67145-D.)

On or about February 16, 1940, the United States attorney for the Western District of Missouri filed a libel against 63 pounds of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 5, 1940, by Beatrice Creamery Co. from Topeka, Kans.; and charging that it was adulterated. It was labeled in part: "Meadow Gold Butter. * * * Distributed by Beatrice Creamery Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted; and in that an article