

demnation was entered, and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

**560. Adulteration of butter. U. S. v. 7 Cases and 7 Cases of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 1598. Sample Nos. 72147-D, 72148-D.)**

On or about February 28, 1940, the United States attorney for the Western District of Missouri filed libels against 14 cases of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 19 and 20, 1940, by Talbot, Woods & Co., in its own truck, from Kansas City, Kans.; and charging that it was adulterated. It was labeled in part: "Country Club Dairy \* \* \* Creamery Butter."

It 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 which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On February 28, 1940, Talbot, Woods & Co., Inc., 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 under the supervision of the Food and Drug Administration in order to increase the butterfat content to meet the legal standard for butter.

**561. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2137. Sample No. 4895-E.)**

On or about May 22, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by Whitford Mercantile Co. from Nowata, Okla.; and charging that it was adulterated in that a product which contained less than 80 percent of milk fat had been substituted for butter.

On May 29, 1940, 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 to be reworked under supervision of the Food and Drug Administration to bring it into compliance with the law.

**562. Adulteration and misbranding of butter. U. S. v. 29 Cartons and 18 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. Nos. 2059, 2167. Sample Nos. 10969-E, 33245-E.)**

On May 21 and 25, 1940, the United States attorney for the Southern District of New York filed libels against 47 cartons of butter at New York, N. Y., alleging that 29 cartons of the article had been shipped in interstate commerce on or about May 7, 1940, by the Farmers Creamery from St. Cloud, Minn., and that 18 cartons had been shipped on or about May 15, 1940, by the Kimball Creamery from Kimball, Minn.; and charging that it was adulterated and misbranded. Subsequent to the filing of the libels it was ascertained that the dealer in possession of the 18 cartons had made an error in identifying the product at the time of sampling and that the shipment of May 15, 1940, had in fact been made by the same shipper who made the earlier shipment, namely, the Farmers Creamery, St. Cloud, Minn. One lot of the article was labeled in part: "Distributed by Hunter, Walton & Co. \* \* \* New York, N. Y."

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. Misbranding was alleged in that the article was labeled "Butter," which was false and misleading when applied to a product containing less than 80 percent of milk fat.

On June 8, 1940, the Farmers Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was 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.

**563. Adulteration and misbranding of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2163. Sample Nos. 10978-E, 33246-E.)**

On May 28, 1940, the United States attorney for the Southern District of New York filed a libel against 10 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by Kimball Creamery from Kimball, Minn.; and charging that it was adulterated and