

misbranded. It was labeled in part: "Distributed by Hunter, Walton & Co. New York, N. Y."

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. Misbranding was alleged in that the statement "Butter," borne on the label, was false and misleading since the article contained less than 80 percent of milk fat.

On June 8, 1940, Kimball Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

564. Adulteration and misbranding of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2008. Sample No. 13051-E.)

On May 11, 1940, the United States attorney for the Western District of Washington filed a libel against five cubes of butter at Seattle, Wash., alleging that the article had been in interstate commerce on or about May 7, 1940, by Latah Creamery from Moscow, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: "Walter Ely Co. Seattle, Wash. Distributors, Butter."

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 15, 1940, Latah Creamery, 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 made to comply with the law under the supervision of the Food and Drug Administration.

565. Adulteration and misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1698. Sample No. 1211-E.)

This product had a strong odor and was decomposed and otherwise unfit for food.

On March 23, 1940, the United States attorney for the District of Columbia filed a libel against 3 cases, each containing 30 pound cartons, of butter at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by the Valley Creamery & Produce Co. from Sisterville, W. Va.; and charging that it was adulterated and misbranded. The product was labeled in part: "Land O'Hills Brand Creamery Butter Mfd. by Land O'Hills Creamery, Buckhannon, W. Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. It was also alleged to be misbranded in that the statement "Creamery Butter made from fine pasteurized cream" was false and misleading since it was wholly unacceptable as table butter, which it purported to be.

On April 17, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

566. Misbranding of butter. U. S. v. 11 Cases and 2 Cases of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1932. Sample Nos. 6189-E, 6190-E.)

A portion of this product failed to bear a label containing an accurate statement of the quantity of contents of the packages and the remaining portion was short of the weight declared on the label.

On April 3, 1940, the United States attorney for the District of New Mexico filed a libel against 13 cases of butter at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by South Plains Creamery from Littlefield, Tex.; and charging that it was misbranded. One lot was unlabeled and the remaining lot was labeled "4 oz. Net Weight" when shipped.

The article in both lots was alleged to be misbranded 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. One lot was alleged to be misbranded further in that it was labeled "4 oz. Net Weight," which was false and misleading since the package contained less than that quantity.