

DAIRY PRODUCTS

BUTTER

Nos. 716 to 726 report the seizure and disposition of butter which was found to contain mold.

716. Adulteration of butter. U. S. v. 32 Tubs of Butter (and 4 other seizure actions against butter). Consent decrees of condemnation. Product ordered released under bond for use in the manufacture of soap and soap products. (F. D. C. Nos. 3954, 3055, 3056, 3075, 3105. Sample Nos. 19057-E, 19058-E, 19066-E, 19232-E, 19234-E.)

On September 7 and 14, 1940, the United States attorney for the Western District of Pennsylvania filed libels against 128 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about June 20 to on or about August 25, 1940, by the Land O'Hills Creamery Co. and Valley Creamery Co. (both owned and operated by the Bowser Sales & Trading Corporation) from Sistersville, W. Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 18, 1940, the Bowser Sales & Trading Corporation, 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 used in the manufacture of soap and soap products.

717. Adulteration of butter. U. S. v. 11 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3057. Sample No. 24264-E.)

This product in addition to containing mold, was also deficient in milk fat.

On September 7, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 11 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 3, 1940, by Chesapeake Dairy Products Co. Inc., from Mathews, Va.; and charging that it was adulterated. It was labeled in part: "A. F. Bickley & Son * * * Phila. Pa."

It 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 adulterated further in that it consisted in whole or in part of a filthy or decomposed animal substance.

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

718. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2679. Sample No. 1530-E.)

On August 20, 1940, the United States attorney for the District of Maryland filed a libel against nine tubs of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 19, 1940, by the Fairmont Creamery Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food. It was labeled in part: "Butter * * * The Fairmont Creamery Co. Distributors."

On October 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

719. Adulteration of butter. U. S. v. 45 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2713. Sample No. 27050-E.)

On August 9, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 45 pounds of butter at Covington, Ky., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by French-Bauer, Inc., from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food. It was labeled in part: "Parkway Creamery Butter."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

720. Adulteration of butter. U. S. v. 48 Cartons of Butter. Default decree of condemnation and order of destruction. (F. D. C. No. 2661. Sample Nos. 19218-E, 19219-E.)

On August 14, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 48 cartons of butter at Pittsburgh, Pa., alleging

that the article had been shipped in interstate commerce on or about July 26 and August 2, 1940, by the Merchants Creamery from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: (Wrapper) "Goldendale Butter, Armour Creameries-Distributors-Gen'l Office Chicago Ill."

On October 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

721. Adulteration of butter. U. S. v. 43 Cubes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2731. Sample No. 27049-E.)

On August 6, 1940, the United States attorney for the Southern District of Indiana filed a libel against 43 cubes of butter at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by the Patton Creamery Co. from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On October 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

722. Adulteration of butter. U. S. v. 64 Tubs of Butter. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 3077. Sample No. 34143-E.)

On September 17, 1940, the United States attorney for the Southern District of New York filed a libel against 64 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 9, 1940, by the South Mountain Creamery from Middletown, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

723. Adulteration and alleged misbranding of butter. U. S. v. 73 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2627. Sample No. 15475-E.)

On July 30, 1940, the United States attorney for the Western District of Tennessee filed a libel against 73 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 12 and July 19, 1940, by the Sugar Creek Creamery Co. from St. Louis, Mo.; and charging that it was adulterated and misbranded. Both shipments were labeled in part: "Diamond Springs Quality Butter." One shipment was labeled further: "Churned by Crown Butter Company, Danville, Illinois"; and the other shipment was labeled further: "Distributed by Sugar Creek Creamery Co. Danville, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a putrid or decomposed substance rendering it unfit for food. It was alleged to be adulterated further 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 the statement on the label, "Butter," was false and misleading.

On September 4, 1940, no claimant having appeared, judgment was entered ~~finding the product adulterated in that it consisted in whole or in part of a putrid and decomposed substance, and the court ordered that it be condemned and destroyed.~~

724. Adulteration of butter. U. S. v. 15 Boxes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2666. Sample No. 36072-E.)

On August 16, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 boxes of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 10, 1940, by the Wadley Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: (Wrapper) "Willow Brook Brand Creamery Butter Distributed by The Wadley Company."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

725. Adulteration of butter. U. S. v. 220 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2660. Sample No. 15476-E.)

On August 1, 1940, the United States attorney for the Western District of Tennessee filed a libel against 220 cases of butter at Memphis, Tenn., alleging