It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted from the article and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 17, 1940, the defendant entered a plea of guilty and was fined $500.

Nos. 733 to 799, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat.

733. Adulteration and alleged misbranding of butter. U. S. v. 168 Boxes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2213. Sample No. 14726–E.)

On June 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 168 50-pound boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 28, 1940, by the Albin Creamery Co. from Sleepy Eye, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Box) "Frank Hellerick Co., Inc."; (print) "Butter."

It 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 "Butter," on the label, was false and misleading since it contained less than 80 percent of milk fat.

On June 17, 1940, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment was entered finding the product adulterated and ordering that it be condemned; and it was ordered further that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

734. Adulteration of butter. U. S. v. 26 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3145. Sample No. 34149–E.)

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 26 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Andersen Creamery from Miller, S. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Trelease & Underhill * * * New York."

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

735. Adulteration and misbranding of butter. U. S. v. 29 60-Pound Cartons of Butter. Decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2131. Sample No. 14719–E.)

On May 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against twenty-nine 60-pound cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Anderson Creamery Co. from Litchfield, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by C. G. Heyd & Co. Phila. Pa."

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 "Butter," on the label, was false and misleading as applied to a product which contained less than 80 percent of milk fat.

On May 28, 1940, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

736. Adulteration and misbranding of butter. U. S. v. 2 Tubs and 31 Cubes of Butter. Decrees of condemnation. Portion of product ordered released under bond; remainder delivered to a charitable institution. (F. D. C. Nos. 2290, 3203. Sample Nos. 33317–E, 24496–E.)

On June 19 and October 8, 1940, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania filed libels against two tubs of butter at New York, N. Y., and 31 cubes of butter at Phila-