

the article had been shipped in interstate commerce on or about April 28, 1940, by the New England Dairies, Inc., from Concord, Vt.; 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.

On June 3, 1940, the claimant, New England Dairies, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

780. Adulteration and misbranding of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2277. Sample No. 33684-E.)

On or about June 20, 1940, the United States attorney for the District of New Jersey filed a libel against 12 cartons of butter at Jersey City, N. J., alleging that the article had been shipped on or about June 4, 1940, by the New Sweden Creamery Association, of Nicollet, Minn., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Gr. A & P Tea Co. N Y Distributors."

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 misbranded in that the statement on the label, "Butter," was false and misleading since it was not correct.

On June 29, 1940, the New Sweden Creamery Association, 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 reworked so that it comply with the law.

781. Adulteration of butter. U. S. v. 19 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 2056. Sample No. 10159-E.)

On May 20, 1940, the United States attorney for the District of New Jersey filed a libel against 19 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by H. M. Noack & Sons from Arlington, Minn.; 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: "The Great A & P Co. Jersey City N. J. * * * Packed By H. M. Noack & Sons."

On June 14, 1940, H. M. Noack & Sons, 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 reworked under Government supervision to meet the requirements of the law.

782. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 2 Tubs of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1987, 2040. Sample Nos. 2357-E, 2366-E, 2368-E.)

On May 13 and May 18, 1940, the United States attorney for the District of Massachusetts filed libels against 12 tubs of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 2 and May 9, 1940, by the North Danville Creamery Co. from North Danville, Vt.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "W. H. Lerner & Sons Boston Mass. W 65#;" or "Butter Distributed by W. H. Lerner & Sons, Boston, Mass."

The article in both shipments was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. One shipment was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On August 6, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

783. Adulteration and misbranding of butter. U. S. v. 86 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2192. Sample No. 33252-E.)

On June 3, 1940, the United States attorney for the Eastern District of New York filed a libel against 86 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about

May 14, 1940, by the Northrop Cooperative Creamery Co. from Northrop, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Sunnyfield A&P Butter The Great Atlantic & Pacific Tea Company."

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 misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 13, 1940, the Northrop Cooperative Creamery Co., 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 reworked so that it contain at least 80 percent of milk fat.

784. Adulteration of butter. U. S. v. 2 Cartons of Butter. Default decree of condemnation. Product ordered distributed to a charitable institution. (F. D. C. No. 3133. Sample No. 24284-E.)

On September 26, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against two cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by the Northwest Dairy Forwarding Co. from St. Paul, Minn.; 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. It was labeled in part: "A. F. Bickley & Son, Distributors Phila., Pa."

On October 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

785. Adulteration and misbranding of butter. U. S. v. 98 Boxes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2245. Sample No. 14604-E.)

On June 12, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 98 boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 29, 1940, by the Pickwick Creamery from La Moille, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Print) "Butter * * * Frank Hellerick Co. Inc. Phila. Pa. Wholesale Distributors."

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 misbranded in that it was labeled "Butter," which labeling was false and misleading in that the product contained less than 80 percent by weight of milk fat.

On June 24, 1940, Frank Hellerick & Co., Inc., of Philadelphia, Pa., 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 brought into compliance with the law under the supervision of the Food and Drug Administration.

786. Adulteration and misbranding of butter. U. S. v. 175 Pounds of Creamery Butter. Default decree of condemnation and order of destruction. (F. D. C. No. 782. Sample No. 75369-E.)

On October 11, 1939, the United States attorney for the Southern District of Ohio filed a libel against 175 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by Rising Sun Creamery Co. from Rising Sun, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Creamery Butter * * * Packed Expressly for The Goyert & Vogel Co., Cincinnati, Ohio."

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted for butter. It was alleged to be adulterated further 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 as butter, whereas it contained less than 80 percent by weight of milk fat.

On November 30, 1939, no claimant having appeared, and but 25 pounds having been seized, judgment of condemnation was entered and the product was ordered destroyed.