

was false and misleading since the product contained less than 80 percent of milk fat.

On May 29, 1940, the Great Atlantic & Pacific Tea Co., of 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.

795. Adulteration and misbranding of butter. U. S. v. 22 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2288. Sample No. 33321-E.)

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 22 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 8, 1940, by the Turtle Mountain Creamery Co., of Rolette, N. Dak., in a pool car shipped from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Zenith Godley Co., N. Y. * * * [Pencil] Rolette Cry."

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. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On July 3, 1940, the Rolette Creamery Co., Rolette, N. Dak., 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.

796. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3016. Sample No. 10540-E.)

On September 6, 1940, the United States attorney for the Southern District of New York filed a libel against 20 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1940, by the Valentine Creamery from Valentine, Nebr.; and charging that it was adulterated and misbranded. It was labeled in part: "Herold Gearon Co. Inc. * * * New York."

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. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On September 18, 1940, the Valentine 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 reworked so that it contain at least 80 percent of milk fat.

797. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2239. Sample No. 4897-E.)

On or about May 23, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended on or about June 13, 1940) against five tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Vinton Creamery Co. from Vinton, Iowa; 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: "The Peter Fox Sons Co., Chicago, Ill."

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

798. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2275. Sample No. 33312-E.)

On June 19, 1940, the United States attorney for the Southern District of New York filed a libel against 23 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1940, by the Webster Creamery Co. from Webster, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by F. F. Lowenfels & Son."

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. 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.