

entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

**2660. Adulteration and misbranding of butter. U. S. v. 141 $\frac{3}{4}$  Cases, 7 Cartons, 90 Pounds, and 391 Boxes of Butter. Decrees of condemnation. One shipment of product ordered released under bond for reprocessing of fit portion and destruction of unfit; portions released under bond for conversion into soap and greases; and remainder ordered destroyed. (F. D. C. Nos. 5867, 5369, 5705, 5715, 5729, 5765, 5865, 6005. Sample Nos. 35392-E, 48066-E, 49709-E, 59369-E, 67091-E, 67126-E, 67333-E, 67334-E.)**

One shipment of this product consisted in part of butter that was moldy and in part of butter that was deficient in milk fat; the butter in all other shipments contained mold.

Between July 28 and August 27, 1941, the United States attorneys for the Southern District of Florida, Southern District of West Virginia, Eastern District of Louisiana, Western District of Tennessee, and the Eastern District of Illinois filed libels against the following amounts of butter: 110 32-pound cases at Tampa, Fla.; 7 32-pound cartons at Huntington, W. Va.; 31 $\frac{3}{4}$  32-pound cases at New Orleans, La.; 90 pounds at Memphis, Tenn.; and 87 66-pound boxes at National Stock Yards, and 28 63-pound and 276 62-pound boxes at Danville, Ill., alleging that the article had been shipped within the period from on or about July 21 to on or about August 18, 1941, by Sugar Creek Creamery Co. from Louisville, Ky., Dardenelle, Ark., Salina, Kans., Mansfield, Mo., Evansville, Ind., and St. Louis and Cape Girardeau, Mo.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Country Roll Creamery Butter Distributors Wilson & Co. \* \* \* Chicago, Ill.;" "Wilson Country Roll Butter, Wilson & Co., Chicago, Ill. Distributors"; "Daisy Maid Brand Creamery Butter \* \* \* The Cudahy Packing Co. Distributors General Offices Chicago, Ill.;" "Meramec Rolls"; or "Extra Fancy Creamery Butter \* \* \* Distributed by Gerde, Newman & Co. New Orleans, La."

A portion of the product in one shipment 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.

The remainder of the butter in the above shipment and that in all other lots was alleged to be adulterated in that it consisted in whole or in part of filthy, putrid, or decomposed substances.

On August 22, 1941, Sugar Creek Creamery Co., claimant for the product seized at Danville, Ill., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be converted into soap and greases under the supervision of the Food and Drug Administration. On September 17, 1941, Sugar Creek Creamery Co., claimant for the product seized at National Stock Yards, Ill., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the fit portion of the product be released under bond to be reprocessed under the supervision of the Food and Drug Administration, and that the remainder be destroyed. Between September 3 and October 17, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**2661. Adulteration of butter. U. S. v. 5 Cases of Butter (and 5 other seizures of butter). Default decrees of condemnation. Portion of product ordered sold for use in soap making; remainder ordered destroyed. (F. D. C. Nos. 5319, 5368, 5402, 5403, 5706, 5710. Sample Nos. 35518-E, 35519-E, 47878-E, 48178-E, 49297-E, 51552-E, 79839-E, 79840-E.)**

Between July 24 and August 14, 1941, the United States attorneys for the Southern and the Northern Districts of Alabama, District of Massachusetts, Southern District of Florida, Southern District of Ohio, and the Eastern District of Michigan filed libels against the following amounts of butter: 5 32-pound cases at Mobile, and 15 32-pound cases at Birmingham, Ala.; 3 32-pound boxes at Lawrence, Mass.; 34 32-pound cases at Jacksonville, Fla.; 53 32-pound boxes at Cincinnati, Ohio; and 120 32-pound cases at Detroit, Mich., alleging that the article had been shipped within the period from on or about June 23 to on or about August 5, 1941, by Swift & Co. from Fort Worth, Tex., Nashville, Tenn., Columbus, Nebr., Lexington, Ky., and Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy, putrid, or decomposed substances. The article was labeled in part: "Cresta Creamery Butter," "Gold Crest Creamery Butter," "Swift's Brookfield Butter," or "Glenwood Creamery Butter."

On September 29, 1941, no claimant having appeared for the portion of the

product seized at Detroit, Mich., judgment of condemnation was entered and the product was ordered sold on condition that it be converted into soap or used for other nonfood purposes, under the supervision of the Food and Drug Administration. Between August 19 and October 10, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**2662. Adulteration of butter. U. S. v. 17 Tubs and 84 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond for use as grease in the manufacture of soap and soap products.** (F. D. C. Nos. 6171, 6172. Sample Nos. 64355-E, 64358-E.)

On October 15, 1941, the United States attorney for the Western District of Pennsylvania filed libels against 101 tubs, each containing 63 pounds, of butter at Pittsburgh, Pa., alleging that the article had been shipped on or about July 28 and August 16, 1941, by Valley Creamery Co. 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 animal substance.

On December 15 and 27, 1941, Bowser Sales & Trading Corporation, Sistersville, W. Va., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for use as grease in the manufacture of soap and soap products.

**2663. Adulteration of butter. U. S. v. 89 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be denatured for use as soap stock.** (F. D. C. No. 6143. Sample No. 56986-E.)

On October 21, 1941, the United States attorney for the Southern District of New York filed a libel against 89 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 14, 1941, by the Valley Creamery, Inc., from Harrisonburg, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc."

On November 3, 1941, the Valley Creamery, Inc., 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 denatured for use as soap stock.

Nos. 2664 to 2676 report actions based on interstate shipments of butter that was found to be deficient in milk fat.

**2664. Adulteration of butter. U. S. v. George I. Southard (Albin Creamery). Plea of guilty. Fine, \$200.** (F. D. C. No. 4182. Sample No. 40618-E.)

On January 15, 1942, the United States attorney for the District of Minnesota filed an information against George I. Southard, trading as the Albin Creamery, at Sleepy Eye, Minn., alleging shipment on or about March 8, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of butter which was adulterated. It was labeled in part: "Butter One Pound Net, Frank Hellerick Co., Inc. Phila., Pa. Wholesale Distributors."

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

On January 15, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$200.

**2665. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$500.** (F. D. C. No. 2934. Sample Nos. 20719-E, 20859-E, 20863-E.)

On February 28, 1941, the United States attorney for the Southern District of Georgia filed an information against Armour & Co., a corporation, trading as Armour Creameries, at Dublin, Ga., alleging shipment within the period from on or about August 20 to on or about September 18, 1940, from the State of Georgia into the State of Florida of quantities of butter which was adulterated. The article was labeled in part: "Gold Band \* \* \* Creamery Butter."

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

On July 8, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.