

combination of letters, was a false and misleading device which was interpreted to mean that the article would produce more eggs and grow more meat. Both the labeled and the unlabeled portions were alleged to be misbranded in that the article was in package form and the label failed to bear (1) a statement of the common or usual names of the active ingredients, and (2) an accurate statement of the quantity of contents. The portion in the unlabeled containers was alleged to be misbranded further in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 596.

On June 21, 1941, the claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

## DAIRY PRODUCTS

### BUTTER

**2859. Adulteration and misbranding of butter. U. S. v. 2½ Cases of Butter. Default decree of destruction.** (F. D. C. No. 6178. Sample No. 64175-E.)

This product was short weight, in addition to containing filth.

On October 11, 1941, the United States attorney for the Northern District of West Virginia filed a libel against 2½ cases, each containing 32 1-pound prints, of butter at Warwood, W. Va., alleging that the article had been shipped on or about July 3, 17, and 24, 1941, by Armour & Co. from Columbus, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: (Prints) "Spring Brook Brand Creamery Butter, Armour Creameries, Distributors, \* \* \* Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

It was alleged to be misbranded in that the prints did not contain 1 pound net, as labeled.

On December 10, 1941, no claimant having appeared, judgment was entered ordering that the product be destroyed.

Nos. 2860 to 2864 report the seizure and disposition of butter that was found to contain mold.

**2860. Adulteration of butter. U. S. v. 14 27/32 Cases and 34 20/32 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be destroyed or reworked.** (F. D. C. No. 6329. Sample Nos. 73296-E, 73297-E.)

A portion of this product contained excessive mold, and the remainder was deficient in milk fat.

On or about November 22, 1941, the United States attorney for the District of Kansas filed a libel against 48 cases, each containing 32 pounds, and 27 and 20 loose pounds, of butter at Kansas City, Kans., alleging that the article had been shipped on or about October 27 and November 3, 1941, by Clinton Butter Co. from Clinton, Mo.; and charging that it was adulterated. It was labeled in part: "Cudahy's Sunlight Creamery Butter The Cudahy Packing Co. Distributors \* \* \* Chicago, Ill."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The remainder was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On December 19, 1941, Clinton Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be destroyed or reworked. That portion which was deficient in milk fat was reworked, and the remainder was destroyed.

**2861. Adulteration of butter. U. S. v. 8 Tubs of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6529. Sample No. 56992-E.)

On November 15, 1941, the United States attorney for the Southern District of New York filed a libel against 8 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November

4, 1941, by Farmers Creamery from Oskaloosa, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On December 9, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2862. Adulteration of butter. U. S. v. 58 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6328. Sample No. 62367-E.)

On November 10, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 58 cases, each containing 32 pounds, of butter at Kenosha, Wis., alleging that the article had been shipped in interstate commerce on or about November 2, 1941, by A. Madsen from Kewanee, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Armour's Cloverbloom Butter."

On December 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2863. Adulteration of butter. U. S. v. 19,143 Pounds of Butter. Consent decree ordering product released under bond.** (F. D. C. No. 5704. Sample No. 29861-E.)

On or about August 14, 1941, the United States attorney for the Western District of Kentucky filed a libel against 19,143 pounds of butter at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about August 6, 1941, by Frank Pilley & Sons, Inc., 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. The article was labeled in part: "Armour's Cloverbloom Butter \* \* \* Armour Creameries, Distributors \* \* \* Chicago, Ill."

On October 31, 1941, Frank Pilley & Sons, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond to be brought into compliance with the law. The product was converted into butter oil.

**2864. Adulteration of butter. U. S. v. 17 Cases and 3 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 6151. Sample Nos. 25834-E, 25835-E.)

This product was moldy and rancid.

On November 4, 1941, the United States attorney for the Northern District of Alabama filed a libel against 20 cases of butter at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about September 17, 1941, by Sunny Brook Creamery Co. from Miami, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The article was labeled in part: "Swift's Brookfield Butter," or "Sunnyland Creameries Butter."

On December 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 2865 to 2867 report the seizure and disposition of butter that was deficient in milk fat.

**2865. Adulteration of butter. U. S. v. 12 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. No. 6052. Sample No. 56973-E.)

On October 14, 1941, the United States attorney for the Southern District of New York filed a libel against 12 boxes, each containing approximately 66 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about September 30, 1941, by Highland Creamery, Goodrich, 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. The article was labeled in part: "Butter Distributed by Hunter Walton & Co. \* \* \* New York."

On October 24, 1941, Highland Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.