

article had been shipped in interstate commerce on or about July 11, 1943, by the Garst Bros. Dairy, Inc., from Roanoke, Va.; 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 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 J. R. Kramer Inc. \* \* \* New York, N. Y."

On August 21, 1943, Garst Bros. Dairy, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking a portion (58 tubs) and conversion of the remainder (105 tubs) into refined butter oil under the supervision of the Food and Drug Administration.

**5312. Adulteration of butter. U. S. v. 250 Cases of Butter (and 5 additional seizure actions against butter). Decrees of condemnation. Product ordered released under bond, 3 of the lots to be reworked and 3 lots to be converted into butter oil.** (F. D. C. Nos. 10228, 10230, 10231, 10288, 10338, 10770. Sample Nos. 3386-F, 35708-F, 41044-F, 41057-F, 46273-F, 46274-F.)

Portions of this product contained excessive mold, and the remainder was low in milk fat.

Within the period from June 8 to September 2, 1943, the United States attorneys for the Eastern District of Louisiana, the Southern District of West Virginia, the District of Kansas, and the Northern District of Georgia filed libels against 438 cases of butter at New Orleans, La., 37 cases of butter at Charleston, W. Va., 10 cases of butter at Kansas City, Kans., and 8 cases at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to August 19, 1943, by the Sugar Creek Creamery Co. (one lot in the name of the Harding Division of the Sugar Creek Creamery Co.) from Russellville, Ark., Louisville, Ky., Kansas City, Mo., and Knoxville, Tenn.; and charging that it was adulterated. The article was labeled in part: "Harding Quality Butter," "Cudahy's Sunlight Creamery Butter," "Sugar Creek Butter," "Country Roll Creamery Butter Pasteurized, Distributers Wilson & Co. Charleston, W. Va.," or "Velva Brand Creamery Butter Packed for H. G. Hill Stores, Inc., New Orleans, La."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The remainder was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Between June 14 and October 5, 1943, the Williams Meat Company of Kansas City, Kans., having appeared as claimant for the lot located there, and the Sugar Creek Creamery Co. having appeared as claimant for the remaining lots, judgments of condemnation were entered and the product was ordered released under bond, the lots low in milk fat to be reworked and the remainder to be converted into refined butter oil, under the supervision of the Food and Drug Administration.

Nos. 5313 to 5337 (also Nos. 5311 and 5312) report actions involving butter that was deficient in milk fat.

**5313. Adulteration of butter. U. S. v. Wells River Creamery. Plea of guilty. Fine, \$25.** (F. D. C. No. 9651. Sample Nos. 19549-F, 19558-F, 20068-F, 20206-F.)

On July 28, 1943, the United States attorney for the District of Vermont filed an information against the Wells River Creamery, Inc., at Wells River, Vt., alleging shipment within the period from on or about December 6, 1942, to February 7, 1943, from the State of Vermont into the State of New Hampshire of a quantity of butter that was 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 November 16, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$25.

**5314. Adulteration of butter. U. S. v. French-Bauer, Inc. Plea of guilty. Fine, \$50 and costs.** (F. D. C. No. 10547. Sample No. 48067-E.)

On September 8, 1943, the United States attorney for the Southern District of Ohio filed an information against French-Bauer, Inc., at Cincinnati, Ohio, alleging shipment on or about April 27, 1943, from the State of Ohio into the State of Kentucky of a quantity of butter that was 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