

DISPOSITION: June 21, 1945. Armour & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reworked into refined butter oil, under the supervision of the Food and Drug Administration.

9703. Adulteration and misbranding of butter. U. S. v. 735 60-Pound Cartons of Butter (and 3 other seizure actions against butter). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 16722, 17102, 17103, 17368. Sample Nos. 18369-H, 19060-H, 19063-H, 31145-H, 31148-H.)

LIBELS FILED: June 21 and July 6, 12, and 31, 1945, Districts of Minnesota and Arizona; libel filed in District of Arizona amended August 4, 1945.

ALLEGED SHIPMENT: May 24 and June 1 and 7, 1945, by the Lakeside Butter Co., from Spring Valley and Dallas, Wis., and Waterloo, Iowa.

PRODUCT: 735 60-pound cartons, 66 65-pound boxes, and 1,000 cases, each containing 32 1-pound prints, of butter at St. Paul, Minn., and Phoenix Ariz.

LABEL, IN PART: (Arizona lot) "1 First Quality 1 Meadow Wood Brand * * * Grade A Oregon Butter."

NATURE OF CHARGE: Adulteration (Minnesota lots), Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter; and (Arizona lot), the product consisted in whole or in part of a filthy or decomposed animal substance, or it was otherwise unfit for food.

Misbranding (Arizona lot), Section 403 (a), the label statements, "1 First Quality 1" and "Grade A Oregon Butter," were false and misleading since the article was not first quality, and it was not Oregon butter.

DISPOSITION: September 26, 1945. Plymouth Products, Inc., Oakland, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the Minnesota lots be reworked to the legal standard; that the unfit portion of the Arizona lot be segregated and disposed of for nonfood purposes; and that the remainder be relabeled under the supervision of the Federal Security Agency.

9704. Adulteration of butter. U. S. v. John R. Haman (Towner Creamery). Plea of guilty. Fine, \$250. (F. D. C. No. 16500. Sample No. 19037-H.)

INFORMATION FILED: July 20, 1945, District of North Dakota, against John R. Haman, trading as the Towner Creamery, Towner, N. Dak.

ALLEGED SHIPMENT: On or about May 8, 1945, from the State of North Dakota into the States of Minnesota and New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 21, 1945. The defendant having entered a plea of guilty, the court imposed a fine of \$250.

9705. Adulteration of butter. U. S. v. Henry Joseph Fachinger (Lanesville Creamery Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 16560. Sample Nos. 13120-H to 13123-H, incl., 13126-H to 13136-H, incl.)

INFORMATION FILED: October 27, 1945, Southern District of Indiana, against Henry Joseph Fachinger, trading as the Lanesville Creamery Co., Lanesville, Ind.

ALLEGED SHIPMENT: Between the approximate dates of July 14 and October 26, 1944, from the State of Indiana into the State of Kentucky.

LABEL, IN PART: "Daisy Brand [or "Autumn Leaf"] Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 23, 1945. The defendant having entered a plea of guilty, the court imposed a fine of \$200.