

14573. Adulteration and misbranding of butter. U. S. v. 12 Boxes (768 pounds)

* * *. (F. D. C. No. 25841. Sample No. 25830-K.)

LIBEL FILED: September 8, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about August 23, 1948, by the Finley Creamery Co., from Finley, N. Dak.

PRODUCT: 12 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by J. B. Kramer, Inc. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

DISPOSITION: October 7, 1948. The Finley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

14574. Adulteration and misbranding of butter. U. S. v. 11 Boxes (704 pounds)

* * *. (F. D. C. No. 25836. Sample Nos. 8942-K, 8947-K.)

LIBEL FILED: August 12, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about July 29, 1948, by the Berger Creamery Co., from South Sioux City, Nebr.

PRODUCT: 11 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Breakstone Bros., Inc. Distributors New York New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

DISPOSITION: August 27, 1948. Breakstone Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

14575. Adulteration and misbranding of butter. U. S. v. 9 Cartons (576 pounds) * * *. (F. D. C. No. 25832. Sample No. 25240-K.)

LIBEL FILED: August 10, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about August 2, 1948, by the Hartley Creamery, from Hartley, Iowa.

PRODUCT: 9 64-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Hunter, Walton & Co. New York, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading.

DISPOSITION: August 25, 1948. The Hartley Creamery, having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Federal Security Agency.

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14576. Misbranding of butter. U. S. v. 96 Cases * * *. (F. D. C. No. 25658. Sample No. 30362-K.)

LIBEL FILED: September 22, 1948, Southern District of California.

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ALLEGED SHIPMENT: On or about September 3, 1948, by the Blackfoot Creamery, from Blackfoot, Idaho.

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PRODUCT: 96 cases, each containing 30 1-pound packages, of butter at Los Angeles, Calif. 7 cases and 14 pounds were seized.

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LABEL, IN PART: "Jerseymaid Fresh Butter Grade AA First Quality."

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NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "First Quality" and "Grade AA" were false and misleading as applied to the article, which was of lower quality.

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DISPOSITION: November 2, 1948. Default decree of condemnation. The product was ordered delivered to the Salvation Army.

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14577. Misbranding of butter. U. S. v. 700 Cartons * * * (and 1 other seizure action; 108,000 pounds, total). (F. D. C. Nos. 26171, 26178. Sample Nos. 3736-K, 10659-K.)

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LIBELS FILED: October 21 and November 10, 1948, District of New Jersey and Eastern District of Virginia.

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ALLEGED SHIPMENT: On or about September 29 and October 6, 8, 11, and 13, 1948, by Gildener & Schimmel, Inc., from New York, N. Y.

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PRODUCT: Butter. 700 cartons at Bayonne, N. J., and 1,100 cases at Williamsburg, Va. Each carton and case contained 60 prints of butter labeled, in part, "1 Lb. Net Wt."

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NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The prints contained less than the declared weight of 1 pound.)

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DISPOSITION: On December 3, 1948, on application of Gildener & Schimmel, Inc., the seizure action instituted in the Eastern District of Virginia was ordered consolidated for trial with the New Jersey case. On January 24, 1949, the claim, answer, and appearance of Gildener & Schimmel, Inc., having been withdrawn with leave of court, judgment of condemnation was entered. On January 25, 1949, Gildener & Schimmel, Inc., having petitioned that the product be delivered to it as the holder of an unpaid seller's lien, the court ordered the product delivered to the petitioner upon the execution of a bond, conditioned that the butter be repacked or relabeled.

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14578. Misbranding of butter. U. S. v. 8¾ Cartons (280 pounds) * * *. (F. D. C. No. 26168. Sample No. 10955-K.)

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LIBEL FILED: On or about November 2, 1948, District of Connecticut.

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ALLEGED SHIPMENT: On or about October 25, 1948, by Gildener & Schimmel, Inc., from New York, N. Y.

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PRODUCT: 8¾ cartons, each full carton containing 32 prints, of butter at New Haven, Conn.

LABEL, IN PART: (Prints) "Creamery Butter * * * 1 Lb. Net Wt."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The prints were short-weight.)