

3625. Adulteration and misbranding of so-called preserved Goshen butter. U. S. v. 50 Cases of Preserved Goshen Butter. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5708, 5709, 5710, 5711. I. S. No. 8706-h. S. No. E-36.)

On May 4, 1914, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of so-called Goshen butter remaining unsold in the original unbroken packages, 25 of said cases, consisting of 500 cans of 5 pounds each, and 5 cases, consisting of 100 cans of 5 pounds each, at San Juan, Porto Rico; 5 of said cases, consisting of 100 cans of 5 pounds each, at Bayamon, Porto Rico, and 10 of said cases, consisting of 200 cans of 5 pounds each, and 5 cases, consisting of 100 cans of 5 pounds each, at Aguadilla, Porto Rico, alleging that the product had been shipped on or about April 4, 1914, by V. Lopez & Co., of New York, N. Y., and transported from the State of New York into the island of Porto Rico, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Average net weight five pounds Preserved Goshen Butter V. Lopez & Co. New York, U. S. Marca Vaca (design of a cow being milked)." (On side of said label, and printed on the tin in small type) "This butter is preserved by the addition of corn syrup and salt brine."

It was alleged in the libel that the said butter contained an added deleterious ingredient, to wit, boric acid, which might render said alleged butter injurious to health, in violation of section 7 of the Food and Drugs Act of June 30, 1906, paragraph 5, under food. It was further alleged in the libel that the goods, being labeled in prominent type "Preserved Goshen Butter" and bearing a pictorial representation of a cow, which inscription and representation were false and misleading in view of the fact that the product was a compound, this misleading impression not being corrected by the supplemental statement "This butter is preserved by the addition of corn syrup and salt brine," the labels being false and misleading, were, therefore, misbranded in violation of section 8, same act, first general paragraph and paragraphs 1 and 2, under food. It was further alleged that the article was misbranded and mislabeled as aforesaid so as to mislead and deceive the purchaser or purchasers thereof, in that the package, container, and label on the article bore a statement regarding the article and the ingredients and substances contained therein which was false and misleading, that is to say, the said label on the cans was so arranged as to lead the public to believe that said cans contained pure butter, and the said statements on said packages and containers were so arranged as to cause the purchaser or purchasers thereof to believe that the article consisted of pure butter, whereas in fact the contents thereof were not pure butter, but were a compound of butter, corn sirup, and salt brine, and preserved by the use of boric acid.

On June 1, 1914, Albert F. Lopez and Aimee C. Lopez, copartners, doing business under the firm name and style of V. Lopez & Company, New York, N. Y., claimants, having filed their answer admitting all of the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and execution of a good and sufficient bond in the sum of \$1,170, in conformity with section 10 of the act.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*