

7108. Adulteration and misbranding of butter. U. S. * * * v. 2 Boxes of Butter and U. S. * * * v. 5 Boxes of Butter. Consent decrees of condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 9706. I. S. No. 15464. S. No. E-1244.)

On February 17, 1919, and February 20, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2 boxes and 5 boxes, each containing 60 pounds of butter, consigned on or about February 4, 1919, and January 28, 1919, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Fred G. Mansfield Co., London, Wis., and transported from the State of Wisconsin into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The 1-pound retail packages were labeled in part: "* * * This butter is made from pure, sweet cream and on account of its high, rich, delicate flavor, should be kept in a cool place entirely away from vegetables and other like products. * * *."

Adulteration of the article was alleged in each libel for the reason that a substance deficient in milk fat and a substance, water, had been mixed and packed therewith, so as to reduce and lower its quality and strength, and had been substituted wholly or in part for butter made from pure, sweet cream, which the article purported to be.

Misbranding of the article was alleged in substance for the reason that the above-quoted labeling was false and misleading and deceived and misled the purchaser into the belief that the article was butter made from pure, sweet cream, whereas it was not, but was a substance deficient in milk fat, and a substance, to wit, water, had been mixed and packed with, and substituted wholly or in part for, butter made from pure, sweet cream, which the article purported to be; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On March 14, 1919, Edgar P. Hibberd, Baltimore, Md., claimant, having appeared and filed his answer to the libel, and the same having been read and considered by the court and due deliberation having been had, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act.

E. D. BALL,
Acting Secretary of Agriculture.

7109. Adulteration of oranges. U. S. * * * v. 924 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 9707. I. S. Nos. 6406-r, 6407-r. S. No. C-1058.)

On February 4, 1919, the United States attorney for the Southern District of Ohio, 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 924 boxes of oranges, consigned on or about January 18, 1919, by the Sutherland Fruit Co., Riverside, Calif., remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped and transported from the State of California into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Navels White Cap Brand, packed by Sutherland Fruit Co., California."