

14605. Adulteration and misbranding of butter. U. S. v. 73 Cases of Creamery Butter. Product ordered released under bond. (F. & D. No. 20346. I. S. No. 6487-x. S. No. E-5463.)

On or about August 7, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 73 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Marshall County Cooperative Creamery, from Lewisburg, Tenn., July 28, 1925, and transported from the State of Tennessee into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "One Pound Fancy Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter * * * One Pound," borne on the label, were false and misleading, in that the said statements represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 8, 1925, the Marshall County Cooperative Creamery Assoc., Lewisburg, Tenn., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,600, conditioned in part that it be reworked so that it meet the requirements of the law, and relabeled to show the correct weight.

W. M. JARDINE, *Secretary of Agriculture.*

14606. Misbranding of butter. U. S. v. 20 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21084. I. S. No. 7491-x. S. No. E-5716.)

On or about April 21, 1926, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 cases of butter, at Jacksonville, Fla., alleging that the article had been shipped by the Dodge County Creamery, from Eastman, Ga., April 15, 1926, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Sweet Clover Creamery Butter One Pound."

Misbranding of the article was alleged in the libel for the reason that the net weight statement "One Pound" was not correct, and for the further reason that the said statement was false and misleading, since the product had a net weight of less than 1 pound.

On May 3, 1926, the Dodge County Creamery Co., Eastman, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$528, conditioned in part that it be reworked to bring the contents up to the declared amount, or relabeled to show the actual contents.

W. M. JARDINE, *Secretary of Agriculture.*

14607 Adulteration of shell eggs. U. S. v. 6 Cases of Eggs. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 21159. I. S. No. 8224-x. S. No. E-5789.)

On June 18, 1926, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cases of eggs, remaining unsold in the original cases at New York, N. Y., alleging that the article had been shipped by the Deneen Produce Co., from Emmetsburg, Iowa, on or about May 21, 1926, and trans-