

14733. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree entered ordering product released under bond to be reworked. (F. & D. No. 21297. I. S. No. 2285-x. S. No. C-5236.)

On or about August 27, 1926, the United States attorney for the Northern 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 praying seizure and condemnation of 14 boxes of butter, at Cleveland, Ohio, alleging that the article had been shipped by the A. G. Creamery Co., Arcadia, Wis., on or about August 5, 1926, and transported from the State of Wisconsin into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in 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, which the said article purported to be.

On September 27, 1926, the A. G. Creamery Co., Arcadia, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of an order in conformance with the prayer of the said libel, a decree was entered, ordering that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, said decree providing further that the product be reworked under the supervision of this department to contain not less than 80 per cent by weight of milk fat.

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

14734. Adulteration and misbranding of butter. U. S. v. 115 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21276. I. S. No. 2267-x. S. No. C-5205.)

On August 6, 1926, the United States attorney for the Northern 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 praying seizure and condemnation of 115 boxes of butter, at Cleveland, Ohio, alleging that the article had been shipped by Swift & Co., from Des Moines, Iowa, on or about July 23, 1926, and transported from the State of Iowa into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

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 law.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter," borne on the label, was false and misleading, in that it represented that the article was 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.

On September 8, 1926, Swift & Co. 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 payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reworked in compliance with the requirements of the law.

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

14735. Adulteration of walnuts in shell. U. S. v. 10 Bags of Walnuts In Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21368. I. S. Nos. 13833-x, 13835-x. S. No. E-5896.)

On November 10, 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 10 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Albany Grocery Co., from Albany, Ga., June 30, 1926,