

**16128. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22976. I. S. No. 02657. S. No. 965.)**

On or about July 13, 1928, the United States attorney for the Western 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 20 cases of butter, remaining in the original unbroken packages at Olean, N. Y., alleging that the article had been shipped by the McKean County Creamery, Smethport, Pa., July 12, 1928, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the following statements, borne on the labels, were false and misleading and deceived and misled the purchaser: "Net Weight One Pound;" (retail package) "This butter is made from pure 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. This wrapper acts as a protection and should be retained on butter Until Used;" (carton) "McKean County Creamery, Smethport, Penna. Pure Creamery Butter. This butter is churned from Purest Cream and in this package will retain its Purity and Sweetness—One Pound Net;" (wholesale package) "30 prints packed in unlabeled and unmarked fiber shipping cases."

On October 18, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16129. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of destruction entered. (F. & D. No. 22936. I. S. No. 02818. S. No. 998.)**

On August 3, 1928, the United States attorney for the District of Massachusetts, 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 1 barrel of frozen poultry, remaining in the original unbroken packages at Springfield, Mass., consigned about July 17, 1928, alleging that the article had been shipped by W. S. Buchart, Buffalo, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On December 14, 1928, no claimant having appeared for the property, judgment by default was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16130. Adulteration and misbranding of cloves. U. S. v. 25 Cases of Cloves. Default decree of condemnation and destruction. (F. & D. No. 22484. I. S. No. 2791-x. S. No. 601.)**

On or about February 23, 1928, the United States attorney for the District of Kansas, 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 25 cases of cloves, remaining in the original packages at Wichita, Kans., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., on or about January 28, 1928, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cloves, Pure Ground Spices."

It was alleged in the libel that the article was adulterated in that foreign matter had been mixed and packed with and substituted in part for the said article.