

16315. Adulteration of butter. U. S. v. 26 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23598. I. S. No. 05878. S. No. 1819.)

On March 20, 1929, 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 26 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about March 1, 1929, alleging that the article had been shipped by the Lange Creamery (Inc.), Kansas City, Mo., and transported from the State of Missouri 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 a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress approved March 4, 1923, providing that butter contain not less than 80 per cent by weight of milk fat.

On April 1, 1929, Armour & Co., Boston, Mass., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$1,600, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16316. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23608. I. S. No. 05968. S. No. 1832.)

On March 14, 1929, the United States attorney for the Northern District of California, 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 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. E. Turner, from Seattle, Wash., March 6, 1929, and transported from the State of Washington into the State of California, 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 containing less than 80 per cent of milk fat had been substituted for butter.

On March 25, 1929, the W. E. Turner Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 costs and the execution of a bond in the sum of \$300, conditioned in part that it be repacked to conform with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16317. Misbranding of tomato catsup. U. S. v. 363 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23338. I. S. No. 05340. S. No. 1476.)

On January 21, 1929, the United States attorney for the Southern District of Illinois, 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 363 cases of tomato catsup, remaining in the original packages at Peoria, Ill., alleging that the article had been shipped by Kemp Bros. Packing Co., Frankfort, Ind., from Kempton, Ind., on or about October 6, 1928, and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Blue Ribbon Catsup," (neck of bottle) "Not Artificially Colored."

It was alleged in the libel that the article was misbranded in that the statements "Tomato Catsup" and "Not Artificially Colored," borne on the labels, were false and misleading and deceived and misled the purchaser.

On April 12, 1929, the Kemp Bros. Packing Co., Frankfort, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for the purpose of relabeling under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be disposed of contrary to law.