

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 a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statements, borne on the labels, "Butter," "One Pound Net," and "One Pound," were false and misleading and deceived and misled the purchaser. 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, since the quantity stated was not correct.

On July 6, 1929, L. K. McDaniels, 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 \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16506. Misbranding of butter. U. S. v. Fifty-five 30-Pound Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23839. I. S. No. 04177. S. No. 2095.)**

On June 27, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 55 cases of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., on or about June 17, 1929, and transported from the State of Illinois into the District of Columbia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Gold Band Creamery Butter \* \* \* 1 Pound Net."

It was alleged in the libel that the article was misbranded in that the statement "1 Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser. 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, since the quantity stated was not correct.

On July 6, 1929, the National City Dairy Co., Washington, D. C., 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 \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16507. Adulteration of butter. U. S. v. 82 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23846. I. S. No. 04144. S. No. 1796.)**

On March 13, 1929, 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 a libel praying seizure and condemnation of 82 cases of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Hanford Produce Co., from Sioux City, Iowa (on March 2, 1929), and transported from the State of Iowa into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Wrappers on individual prints) "Cloverbloom \* \* \* Creamery Butter \* \* \* Chicago."

It was alleged in the libel that the article was adulterated in that a substance low in milk fat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part 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.

On March 30, 1929, the Armour Co., Chicago, Ill., 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 \$2,800, conditioned in part that it should not be sold or disposed of until reconditioned and the resultant product inspected and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16508. Misbranding of dairy feed. U. S. v. 22 Sacks of Atlantic Dairy Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23768. I. S. No. 08879. S. No. 1965.)**

On May 11, 1929, the United States attorney for the Eastern District of North Carolina, 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 22 sacks of dairy feed, remaining in the original unbroken packages at Raleigh, N. C., alleging that the article had been shipped by the Atlantic Milling Co., from Augusta, Ga., on or about March 22, 1929, and transported from the State of Georgia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Weight Atlantic Dairy Feed, Manufactured by Atlantic Milling Company, Augusta, Ga. Guaranteed Analysis Protein 24%, Fat 5%, Fibre 9% Ingredients."

It was alleged in substance in the libel that an analysis of the product showed it to be deficient in protein and fat, and that the article was misbranded in that the statement on the label, "Guaranteed Analysis Protein 24%, Fat 5%," were false and misleading and deceived and misled purchasers.

On May 28, 1929, the Atlantic Milling Co., Augusta, 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 \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16509. Misbranding and alleged adulteration of butter. U. S. v. 50 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23612. I. S. No. 02785. S. No. 1814.)**

On March 18, 1929, 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 50 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., March 4, 1929, and transported from the State of Illinois 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 for the further reason that a valuable constituent of the article, 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, and for the further reason that the following statements regarding the article or the ingredients or substances contained therein were false and misleading and deceived and misled the purchaser: (Retail package) "I. V. Butter \* \* \* Churned from Pure Sweet Cream, One Pound Net, Certification of Quality and Purity. We certify that I. V. Butter is made from fresh, pure, pasteurized Sweet Cream. Every churning is inspected by an Official Government Inspector, and is guaranteed to be absolutely pure and of the finest quality of butter obtainable. I. V. Horn Co., Buffalo, N. Y. Distributors;" (paper wrapper) "One Pound Net;" (wholesale package) "I. V. H.—1 Lb.—H. C. C. Co.—493—Sweet Cream—I. V. Horn Co.—30—1 Lb. Packages Butter."

The I. V. Horn Co., Buffalo, N. Y., appeared as claimant for the property and filed an answer consenting that the butter be condemned as adulterated and misbranded. On March 20, 1929, a decree was entered adjudging the product misbranded and ordering its condemnation, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be reworked, reconditioned, repacked, and relabeled under the supervision of this department.