

16749. Misbranding of butter. U. S. v. 42 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24015. I. S. No. 03720. S. No. 2196.)

On August 2, 1929, the United States attorney for the District of New Jersey, 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 43 cases of butter at Newark, N. J., alleging that the article had been shipped by Irving Sass of Newark, N. J., from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 20, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sass' Sweet Cream Butter * * * 1 lb. Salt I. S."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 lb.," was false and misleading and deceived and misled the purchaser, and in that it 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 statement "1 lb." was incorrect.

On August 6, 1929, Irving Sass, Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the product, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reprinted in full quarter-pound sections and packed in full 1-pound packages.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16750. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24009. I. S. No. 022377. S. No. 2252.)

On August 26, 1929, the United States attorney for the Eastern District of Pennsylvania, 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 5 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Clearwater Cooperative Creamery Association, Clearwater, Minn., alleging that the article had been shipped from Clearwater, Minn., on or about August 23, 1929, and transported from the State of Minnesota into the State of Pennsylvania, 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 substance deficient in butterfat had been substituted wholly or in part for the said article, and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 28, 1929, John S. Morris & Co., Philadelphia, Pa., 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 \$300, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*