

16810. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24225. I. S. No. 021751. S. No. 2362.)

On September 24, 1929, 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 12 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Roslyn Creamery Co., Roslyn, S. Dak., in two consignments, on or before September 10 and September 14, 1929, respectively, and transported from the State of South Dakota into the State of New York, arriving on or about September 20, 1929, 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 mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

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

On September 28, 1929, the Roslyn Creamery Co., Roslyn, S. Dak., 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 \$400, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16811. Adulteration and misbranding of butter. U. S. v. 67 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24227. I. S. No. 024379. S. No. 2370.)

On September 28, 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 the said district a libel praying seizure and condemnation of 67 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Day Cooperative Creamery Association, Braham, Minn., alleging that the article had been shipped from Braham, Minn., on or about September 26, 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 therewith 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 October 11, 1929, Wm. M. Lippincott & 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 said claimant upon payment of costs and the execution of a bond in the sum of \$2,680, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16812. Adulteration of canned strawberries. U. S. v. 59 Cases of Canned Strawberries. Default order of destruction entered. (F. & D. No. 23027. I. S. No. 01240. S. No. 1119.)

On August 28, 1928, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court for said district a libel praying seizure and condemnation of 59 cases of canned strawberries, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Paulus Bros. Packing Co., from Mount Angel, Oreg., on or about August 3, 1928, and transported from the State of Oregon into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Brookland Strawberries * * * Oregon Growers Cooperative Association, * * * Salem, Oregon."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 11, 1929, upon the filing of an affidavit by the United States attorney that the product was unfit for consumption as food, a decree was entered by the court, ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16813. Misbranding of butter. U. S. v. 5 Cartons of Butter. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 24055. I. S. No. 03715. S. No. 2155.)

On July 23, 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 5 cartons of butter at Union City, N. J., alleging that the article had been transported in interstate commerce by M. Rosso, in his own truck from the premises of Kurtin & Kurtin, New York, N. Y., to his own premises in Union City, N. J., on or about July 17, 1929, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Creamery Butter One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived 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 "One Pound Net" was incorrect.

On August 27, 1929, by consent of the claimant, M. Rosso, Union City, N. J., 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.*

16814. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24226. I. S. No. 021268. S. No. 2352.)

On September 23, 1929, 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 5 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Elbow Lake Company Cooperative Creamery at Elbow Lake, Minn., on or about September 12, 1929, and transported from the State of Minnesota 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 substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

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

On October 1, 1929, the Great Atlantic & Pacific Tea Co., New York, N. Y., 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 be reworked and reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16815. Misbranding of butter. U. S. v. 18 Cases of Butter, et al. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24229, 24230. I. S. Nos. 021092, 021093. S. Nos. 2350, 2351.)

On September 21, 1929, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 23 cases of butter, remaining in the original unbroken packages at Bridgeport Conn., alleging that the article had been shipped by J. R. Kramer (Inc.), from New York, N. Y., in various consignments, on or about September 3, September 11, and September 14, 1929, respectively, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended.