

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.

A portion of the article was labeled in part: (Roll) "One Pound Red Seal Brand Creamery Butter 16 Oz. Put up by Wurtzel & Gordon, Inc. Bridgeport, Conn." The remainder of the said article was labeled in part: (Roll) "One Pound Net Weight The Lenox Brand Butter * * * John R. Woodhull * * * Bridgeport."

It was alleged in the libels that the article was misbranded in that the statements, "One Pound," "16 Oz.," and "One Pound Net Weight," as the case might be, were false and misleading and deceived the purchaser. Misbranding was alleged for the 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 packages, since the statements, "One Pound," "16 Oz.," and "One Pound Net Weight," were incorrect.

On October 8, 1929, J. R. Kramer (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$600, conditioned in part that it be returned to the factory and reprinted into full quarter-pound sections and packed into full 1-pound packages, or reprinted into full 1-pound rolls, so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16816. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24011. I. S. No. 04517. S. No. 2150.)

On or about July 22, 1929, the United States attorney for the Northern 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 12 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rock Falls Creamery Co., from Caryville, Wis., July 9, 1929, and transported from the State of Wisconsin into the State of Illinois, 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, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, in that a valuable constituent, butterfat, had been in part abstracted from the article, and in that it contained less than 80 per cent of butterfat.

On September 10, 1929, Edward Macek, Chicago, Ill., 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 be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16817. Adulteration and misbranding of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24231. I. S. No. 019928. S. No. 2332.)

On September 10, 1929, the United States attorney for the Southern District of Ohio, 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 45 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Merchants Creamery Co., Springfield, Mo., on or about July 30, 1929, and transported from the State of Missouri into the State of Ohio, 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 milk fat had been substituted for butter, which the article purported to be. Adulteration was alleged for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted 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, which the article purported to be.