

17564. Adulteration and misbranding of butter. U. S. v. 20 Tubs, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24888, 24889. I. S. Nos. 030674, 037233. S. Nos. 3204, 3205.)

Samples of butter from the herein described interstate shipments having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 13, and June 14, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 85 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Perry Creamery Co., from Perry, Okla., in part on May 29, 1930, and in part on June 5, 1930, and had been transported from the State of Oklahoma into the State of Illinois, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged with respect to a portion of the article for the reason that it was sold and labeled as butter, which was false and misleading.

On June 19, 1930, the cases having been consolidated and Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libels and 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 good and sufficient bond, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17565. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. D. No. 24957. I. S. No. 037240. S. No. 3222.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about June 21, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the N. E. Cooperative Exchange, from Green Bay, Wis., on June 10, 1930, and had been transported from the State of Wisconsin into the State of Illinois, 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 and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was sold and labeled as butter, which was false and misleading.

On June 25, 1930, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., 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 \$1,500, conditioned in part that it be reworked under the supervision of this department so that it may be disposed of without violating the law of any State or of the United States.

ARTHUR M. HYDE, *Secretary of Agriculture.*