

On April 14, 1931, no claimant having appeared for the property, 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.*

18126. Adulteration and misbranding of butter. U. S. v. 63 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 26423, 26429. I. S. Nos. 29345, 30084. S. Nos. 4545, 4583.)

Samples of butter from the shipments herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 27 and April 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 107 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Glenville Creamery Co., Glenville, Minn., in part on March 18, and in part on March 25, 1931, and had been 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. The article was labeled in part: "Hunter, Walton & Co. New York City * * * Pasteurized Sweet Cream Butter."

It was alleged in the libels that the article was adulterated in 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 of milk fat as provided by law.

Misbranding was alleged for the reason that the article was an imitation of or was offered for sale under the distinctive name of another article; and for the further reason that it was labeled "Butter," which label was false and misleading and deceived and misled the purchaser.

On March 31 and April 15, 1931, Thomas G. Corcoran having appeared as claimant for the property as agent for Hunter, Walton & Co., New York, N. Y., and said claimant having filed stipulations admitting the allegations of the libels and consenting to the entry of decrees, and also having agreed to recondition the product so that it contain at least 80 per cent of milk fat, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$3,100, conditioned in part that it be reworked and reprocessed so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18127. Supplement to notice of judgment No. 17812. U. S. v. 195 Cases of Turnip Greens. Default set aside. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25466. I. S. No. 14472. S. No. 3726.)

Before the execution of the order of destruction under the decree of January 10, 1931, entered in the above case, the shipper of the product, the Pomona Products Co., Griffin, Ga., requested that destruction be stayed and that it be permitted to file a claim for the product.

On April 9, 1931, this request having been submitted to the court, judgment was entered reaffirming the condemnation and forfeiture of the product, but providing that it might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$350, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18128. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution or destroyed. (F. & D. No. 26433. I. S. No. 29332. S. No. 4491.)

Samples of butter from the shipment herein described having been found below the standard provided by Congress, namely, containing less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of four tubs of butter, remaining in the original unbroken packages