

On April 27, 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 25 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Buffalo Center Creamery Co., Buffalo Center, Iowa, on or about April 15, 1931, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel 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 the act of Congress of March 4, 1923.

On May 2, 1931, a claim having been interposed by Zenith-Godley Co. (Inc.), as agent for the Buffalo Center Cooperative Creamery, Buffalo Center, Iowa, and said claimant having admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, 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 \$750, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18597. Adulteration of butter. U. S. v. 24 Tub of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26744. I. S. No. 30147. S. No. 4703.)**

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

On April 27, 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 24 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Greeley Cooperative Creamery Co., Greeley, Nebr., on or about April 15, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel 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 the act of Congress of March 4, 1923.

On May 1, 1931, the Greeley Cooperative Creamery, Greeley, Nebr., claimant, having admitted the allegations of the libel, consented to the entry of a decree, and having agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat, 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 \$700, conditioned in part that it be reworked so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18598. Adulteration and misbranding of butter. U. S. v. 11 Tub of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26759. I. S. No. 24714. S. No. 4710.)**

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

On or about May 5, 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 11 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Alberta Cooperative Creamery Association, from Alberta, Minn., April 21, 1931, and had been transported from the State of Minnesota 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 therewith 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 for the reason that the article had been sold, shipped, and labeled butter, which was false and misleading in that the said article contained less than 80 per cent of milk fat. (This department has no record that the article was labeled butter, and made no misbranding recommendation.)

On May 12, 1931, Peter Fox Sons Co., 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 to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18599. Adulteration of canned salmon. U. S. v. 498 Cases of Canned Salmon. Portion of product condemned. Remainder released under bond to be salvaged. (F. & D. No. 25236. I. S. No. 5210. S. No. 3532.)**

Samples of canned salmon from the shipment herein described having been found to be putrid, tainted, or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On or about October 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 498 cases of canned salmon, remaining in the original unbroken packages at Sunbury, Pa., alleging that the article had been shipped by the West Sales Co., from Seattle, Wash., on or about September 16, 1930, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Live Wire Brand Alaska Pink Salmon \* \* \* Distributed by West Sales Co., Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance, namely, decomposed fish.

On March 13, 1931, the Weis Pure Food Stores, Sunbury, Pa., entered an appearance and filed its claim and answer. On May 5, 1931, a decree was entered ordering that the product be released to the claimant under bond, conditioned that it should not be disposed of contrary to the Federal food and drugs act, and that claimant pay costs; that the portion of the product identified by certain codes be condemned; that after the claimant had segregated the good salmon from the bad salmon, this department reexamine the portion segregated as good; that all portions determined by this department to be good be released unconditionally; and that, subject to the right of the claimant to have a detailed inspection made of each can and to salvage the same subject to the approval of this department, all of the salmon determined by this department to be bad should be disposed of in a manner in accordance with the provisions of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18600. Adulteration of canned salmon. U. S. v. 598 Cases of Salmon. Portion of product condemned. Remainder released under bond to be salvaged. (F. & D. No. 25249. I. S. No. 5208. S. No. 3546.)**

Samples of canned salmon from the shipment herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Middle District of Pennsylvania.

On or about October 31, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 598 cases of canned salmon, remaining in the original unbroken packages at Sunbury, Pa., alleging that the article had been shipped by the Sergeant Paup Co., from Seattle, Wash., on or about September 3, 1930, and had been transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Silver Sea Brand Pink Salmon \* \* \* Packed for West Sales, Inc., Seattle, U. S. A."