

Misbranding was alleged for the reason that the statements, "Cheese" and "American Cheese," were false and misleading and deceived and misled the purchaser; misbranding was further alleged in that the product was sold under the distinctive name of another article.

On February 9, 1932, no claimant having appeared, 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.*

**19138. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 27663. I. S. No. 42707. S. No. 5651.)

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 December 21, 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 15 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Conger Cooperative Creamery, Conger, Minn., on or about December 12, 1931, and had been transported from the State of Minnesota into the State of New York, 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 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.

Gude Bros., Kieffer Co., agent for the Conger Cooperative Creamery Association, Conger, Minn., interposed a claim for the product and admitted the allegation 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. On January 25, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19139. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.**  
(F. & D. No. 27841. I. S. No. 42724. S. No. 5785.)

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 January 19, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of seven tubs of butter at New York, N. Y., alleging that the article had been shipped by the West Union Farmers Creamery Co., West Union, Iowa, through the Cooperative Creamery Dairy Line, Independence, Iowa, on or about January 8, 1932, 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 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 law.

E. R. Balzer, agent for West Union Farmers Creamery Co., interposed a claim for the product and 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. On January 30, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered 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 so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*