

**19792. Misbranding of butter. U. S. v. 8 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (10507-A. F. & D. No. 28319.)**

This action involved the interstate shipment of a quantity of butter, samples of which were found to be short of the declared weight.

On April 29, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 8 cases of butter at Jersey City, N. J., alleging that the article had been transported in interstate commerce by Wm. Buechse & Sons (Inc.), from the premises of F. F. Lowenfels & Sons, New York, N. Y., to Jersey City, N. J., on or about April 22 and April 26, 1932, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "1 Lb. Net Weight C. B. L. (best butter) Country Roll."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and deceived and misled the purchaser. Misbranding was alleged for the further reason 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 made was incorrect.

On May 6, 1932, J. R. Kramer (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be reprinted so that the rolls contain a full pound net and that it should be disposed of only in compliance with the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19793. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation, forfeiture, and destruction. (10511-A. F. & D. No. 28339.)**

This action involved the interstate shipment of a quantity of butter, sample cartons of which were found to contain less than 1 pound net, the declared weight.

On May 4, 1932, 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 the district aforesaid a libel praying seizure and condemnation of three cases of butter at Hoboken, N. J., alleging that the article had been transported in interstate commerce by Brenner & Sons (Inc.), on April 20, 1932, from the premises of J. R. Kramer (Inc.), New York, N. Y., to Hoboken, N. J., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "B. B. B. Brenner's Better Butter \* \* \* R. Brenner, Hoboken, New Jersey. \* \* \* One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight [One Pound Net]," was false and misleading and deceived and misled the purchaser, and for the further 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 package, since the statement of weight was incorrect.

On May 10, 1932, the owner of the property 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 destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19794. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (11003-A. F. & D. No. 28378.)**

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress.

On May 24, 1932, 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 the district aforesaid a libel praying seizure and condemnation of 43 tubs of butter, remaining in the original and unbroken packages at New York City, N. Y., alleging that the article had been

shipped in interstate commerce on or about May 14, 1932, by the Farmers Cooperative Creamery, from Boone, Iowa, to New York City, N. Y., and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that it contained less than 80 per cent of milk fat, the standard prescribed by act of March 4, 1923.

The Farmers Cooperative Creamery, Boone, Iowa, 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 May 27, 1932, 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 reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19795. Adulteration of celery. U. S. v. 236 Crates, et al., of Celery. Decree of condemnation and forfeiture. Product released under bond.** (8084-A, 8201-A, 8208-A, 8209-A. F. & D. Nos. 28352, 28375.)

Arsenic was found on celery taken from the interstate shipments involved in these actions.

On May 9 and May 18, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 1,286 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce between the dates of April 20, 1932 and May 3, 1932, from Titusville, Fla., to Philadelphia, Pa., by the Indian River Celery & Produce Co., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gor Jus Brand Indian River Celery & Produce Company, Titusville, Florida."

Adulteration was alleged in the libel filed with respect to a portion of the article, for the reason that it contained an added poisonous or deleterious ingredient, to wit, arsenic. Adulteration was alleged in the libel filed with respect to the remainder of the article, for the reason that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it harmful to health.

On May 20, 1932, the C. G. Justice Co., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the payment of costs and the execution of bonds totaling \$3,000, conditioned that the product should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and further that it be reconditioned under the supervision of this department. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19796. Adulteration of cultured buttermilk. U. S. v. Hoosier Condensed Milk Co. Plea of nolo contendere. Fine, \$200 and costs.** (F. & D. No. 28641. I. S. Nos. 28083, 28084, 28085.)

Examination of samples of a product represented to be cultured buttermilk showed that the article contained added starch and was deficient in protein, fat, and total solids.

On November 17, 1931, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Hoosier Condensed Milk Co., a corporation, Bluffton, Ind., alleging shipment by said company in violation of the food and drugs act, on or about January 22, 1931, from the State of Indiana into the State of Pennsylvania, of a number of kegs, half-barrels, and barrels containing cultured buttermilk that was adulterated. The article was labeled in part: "Cultured Buttermilk Fat 1%, Lactic Acid 6%, Protein 12%, Total Solids 30%."

It was alleged in the information that the article was adulterated in that a product composed of condensed soured skim milk and starch, deficient in pro-