

**19998. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 11878-A. F. & D. No. 28490.)**

This case 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 July 8, 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 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce on June 25, 1932, by the Reinbeck Farmers Creamery Co., from Reinbeck, Iowa, to New York, N. Y., and charging adulteration in violation of the food and drugs act.

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

The Reinbeck Farmers Cooperative Creamery Co., Reinbeck, 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 July 12, 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 \$500, conditioned in part that it be reworked so that it comply with the requirements of the Federal food and drugs act and all other laws.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19999. Misbranding of canned tomatoes. U. S. v. 183 Cases of Canned Tomatoes. Decree of condemnation. Product released under bond to be brought into compliance with the law. (Nos. 13205-A, 13245-A. F. & D. No. 28594.)**

This action involved the shipment of a quantity of canned tomatoes which were labeled "Standard," and which, because of the poor color of the article and the excess peel present, should have been labeled to show that it was sub-standard.

On August 5, 1932, the United States attorney for the Eastern District of Louisiana, 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 183 cases of canned tomatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped in interstate commerce, on or about June 27, 1932, by the Mississippi Canning Co., from Crystal Springs, Miss., to New Orleans, La., and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Standard Tomatoes \* \* \* Packed by Mississippi Canning Company, Crystal Springs, Miss."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Standard," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article fell below the standard of quality and condition promulgated by the Secretary of Agriculture for canned tomatoes, because of poor color and excessive peel, and its label did not bear a plain and conspicuous statement prescribed by the said Secretary, indicating that the article fell below such standard.

On August 18, 1932, A. Glorioso, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 relabeled or reconditioned under the supervision of this department, and that it should not be sold or disposed of without having been inspected and found to be in compliance with the law.

HENRY A. WALLACE, *Secretary of Agriculture.*

**20000. Adulteration and misbranding of butter. U. S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (No. 3931-A. F. & D. No. 28487.)**

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 June 30, 1932, the United States attorney for the Northern District of Illinois, 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 19 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 21, 1932, by the Boscobel Creamery Co., from Boscobel, Wis., to Chicago, Ill., 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, 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 as "butter," which was false and misleading, since it contained less than 80 per cent of milk fat.

On July 11, 1932, C. H. Weaver & 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 for reworking under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to law.

HENRY A. WALLACE, *Secretary of Agriculture.*

## INDEX TO NOTICES OF JUDGMENT 19901-20000

	N. J. No.		N. J. No.
Alimentary pastes—		Butter—Continued	
macaroni:		Upper Dells Creamery-----	19916
Gragnano Products (Inc.)---	19962	Valley Creamery (Ltd.)-----	19977
seashells:		Verdigre Creamery Co-----	19922
Gragnano Products (Inc.)---	19962	Worthington Farmers Cooper-	
spaghetti:		ative Creamery Co-----	19984
Gragnano Products (Inc.)---	19962	Cabbage:	
canned:		Girard, M. E.-----	19973
Otoe Food Products Co-----	19976	Louisiana Farm Bureau Sell-	
Apples:		ing Exchange-----	19970
Universal Fruit Co-----	19953	Cane sirup:	
Wenatchee Produce Co-----	19972	Milton Cane Products Co-----	19936
Yakima Fruit Growers Asso-		Celery:	
ciation-----	19966	American Fruit Growers-----	19924
evaporated:		Dirkman, J. H.-----	19926
Packard, W. H.-----	19942	Dirman, J. H., Co-----	19926
Beans, kidney, canned:		Dirmann, J. & H.-----	19926
Otoe Food Products Co-----	19976	Dirmann, J. H.-----	19926
lima, canned:		Cheese:	
Otoe Food Products Co-----	19976	Marquardt, F. F.-----	19979
red, canned:		Pratt Mallory Co-----	19933
Otoe Food Products Co-----	19976	Cherries, canned:	
Blackberries, canned:		California Packing Corpora-	
Valley Fruit Canning Co-----	19902	tion-----	19955
Blueberries:		Zion's Wholesale Grocery-----	19908
Pert, Warren-----	19992	pitted:	
Bluefins. <i>See</i> Fish.		Webster Canning & Preserv-	
Butter:		ing Co. (Inc.)-----	19974
American Produce Co-----	19911	dried:	
Beaver Valley Creamery Co--	19964	Burnham, F. M., & Co-----	19949
Boscobel Creamery Co-----	20000	Otzen Packing Co-----	19949
Clear Creek Creamery-----	19960	Porter, C. A.-----	19949
Delta Valley Creamery Co--	19994	Corn, canned:	
Downie & Dinan-----	19915	Otoe Food Products Co-----	19976
Exeland Cooperative Creamery		Cottonseed meal. <i>See</i> Feed.	
Co-----	19983	Eggs, frozen:	
Farmers Cooperative Creamery	19965	Fairmont Creamery Co-----	19941
Farmers Cooperative Creamery		mixed:	
Co-----	19928	Van Osdel Poultry Co-----	19938
Farmers Creamery & Produce		Feed—	
Co-----	19921	cottonseed meal:	
Fergus County Creamery		Swift & Co-----	19952
(Inc.)-----	19993	Swift & Co. Oil Mill-----	19952
Frye & Co-----	19967	Figs:	
Gackle Creamery Co-----	19997	Davies, Theo. H., & Co. (Ltd.)	19995
Garrison Cooperative Cream-		Fish—	
ery Association-----	19919	bluefins:	
Habib, Ferris-----	19901	North Shore Fish & Freight	
Haddad, Albert-----	19901	Co-----	19932
Junction City Creamery-----	19914	salmon, canned:	
Knoxville Cooperative Cream-		Kadiak Fisheries Co-----	19930
ery-----	19982	Sebastian-Stuart Fish Co--	19927
Larson Dairy-----	19985	sardines, canned:	
Ledyard Cooperative Creamery		Van Camp Sea Food Co-----	19903
Co-----	19934	tuna, canned:	
Markesan Creamery-----	19917	Halfhill Packing Corporation	19939
Monroe City Creamery Co--	19909	Flavoring sirups—	
Mutual Creamery Co-----	19918	apricot cordial:	
Ordway Creamery Co-----	19904	Zatarain, E. A., & Sons (Inc.)	19935
Paynesville Cooperative		cherry cordial:	
Creamery Assoc-----	19920	Zatarain, E. A., & Sons (Inc.)	19935
Paynesville, Watkins, and		peach cordial:	
Maple Lake Creamery		Zatarain, E. A., & Sons (Inc.)	19935
Association-----	19920	Fruit cordials. <i>See</i> Flavoring sirups.	
Reinbeck Farmers Creamery		Grapefruit juice:	
Co-----	19998	Robert Bros. (Inc.)-----	19913
Remus Cooperative Creamery		Grapes, dried:	
Co-----	19928	Asher, Albert, Co-----	19956
Sayegh, M. J.-----	19901	Hominy, canned:	
Scales Mound Creamery-----	19981	Otoe Food Products Co-----	19976
Schumacher & Son-----	19910	Jam, grape:	
Smith, R. J.-----	19981	Whitaker, H. E., Co-----	19945
Stanford Creamery Co-----	19978	<i>See also</i> Preserves.	
Sugar Creek Creamery Co--	19948		

685-  
729-133, incl. memo

## United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

20001-20150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 26, 1933]

**20001. Adulteration of butter. U.S. v. 256 Pounds of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 28578. Sample No. 2686-A.)**

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

On July 11, 1932, the United States attorney for the Northern District of Iowa, 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 256 pounds of butter at Dubuque, Iowa, alleging that the article had been shipped in interstate commerce on or about July 2, 1932, by Hanson & Ford, from Galena, Ill., to Dubuque, Iowa, 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 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 23, 1932, Hanson & Ford, Galena, Ill., having appeared as claimants for the property, and having consented to the entry of a decree, judgment of condemnation 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 \$100, conditioned in part that it should not be sold or disposed of until made to comply with the Federal Food and Drugs Act, under the supervision of this Department.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20002. Adulteration and misbranding of butter. U.S. v. 36 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28365. Sample Nos. 3225-A, 5511-A.)**

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On May 11, 1932, the United States attorney for the Northern District of Illinois, 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 36 cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 26, 1932, by the Barron Cooperative Creamery, from Barron, Wis., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Shipping package) "Butter Dallas Creamery Co Dallas Wisconsin."

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, lower, and injuriously affect its quality and strength, and had