

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 19, 1932, no claim having been entered for the property and the consignee having consented to its destruction, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

**20226. Adulteration of butter. U.S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28746. Sample no. 8541-A.)**

This action involved 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 August 12, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 45 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 8, 1932, by Sebeka Cooperative Creamery, from Sebeka, Minn., to Philadelphia, Pa., 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.

On August 15, 1932, William Lippincott & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant for reconditioning under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$650, conditioned in part that it should not be sold or disposed of contrary to the laws of the United States or any State, Territory, District, or insular possession.

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

**20227. Adulteration of butter. U.S. v. 4 Tubs of Butter. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. no. 28765. Sample no. 12010-A.)**

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

On August 4, 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 four 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 or about July 25, 1932, by the Sheldon Creamery Co., from Sheldon, Wis., 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 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 September 2, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that such portions as were fit for human consumption be delivered to a charitable institution, and that any portion unfit for food be destroyed.

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

**20228. Adulteration and misbranding of butter. U.S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 28839. Sample no. 3559-A.)**

This action 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 for butter prescribed by Congress.

On August 9, 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 nine tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on August 1, 1932, by the Hartford Creamery Co., from Dakota, Minn., 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 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 percent 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 percent of milk fat.

On September 15, 1932, the Waskow Butter 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 the provisions of the Federal Food and Drugs Act, and all other laws.

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

**20229. Adulteration and misbranding of frozen strawberries. U.S. v. 47 Barrels of Frozen Strawberries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28831. Sample no. 12874-A.)**

This action involved the shipment of a quantity of frozen strawberries a portion of which were found to be moldy.

On August 30, 1932, the United States attorney for the Northern District of California, 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 47 barrels of frozen strawberries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about July 26, 1932, by the S. A. Moffett Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Packed by S. A. Moffett Co., Extra Fancy Cold Pack Marshall Strawberries \* \* \* Seattle, Wash."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement on the label, "Extra Fancy", was false and misleading and deceived and misled the purchaser.

On September 20, 1932, the S. A. Moffett Co., Seattle, Wash., having appeared as claimant for the property, 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 made to conform to the provisions of the Federal Food and Drugs Act, under the supervision of this Department. In supervising the reconditioning of the product this Department required the separation and destruction of the moldy berries.

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

**20230. Adulteration and misbranding of butter. U.S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28901. Sample no. 4653-A.)**

This action involved 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 for butter prescribed by Congress.

On August 16, 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 11 tubs of butter, remaining in the original un-