

20280. Adulteration of butter. U.S. v. 19 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 28989. Sample no. 10074-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 September 14, 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 19 tubs of butter at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 3, 1932, by Taylor Falls Creamery, Taylor Falls, Minn., through Amery Cooperative Creamery, Amery, 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 act of March 4, 1923.

Johnstone & Hollrock, New York, N.Y., agent for the Taylor Falls Creamery Co., Taylor Falls, Minn., owner of the property, interposed a claim 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 percent of butterfat. On September 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 \$400, or the deposit of cash collateral in like amount, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act, and all laws State and Federal.

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

20281. Adulteration and misbranding of butter. U.S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 29060. Sample no. 4665-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 September 1, 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 60 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 August 17, 1932, by Plains Cooperative, Inc., from Plainview, Tex., 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 percent of butterfat.

Misbranding of the article was alleged for the reason that it 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 20, 1932, the Fox Packing 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 the provisions of the Food and Drugs Act, or the laws of any State, Territory, District, or insular possession.

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

20282. Adulteration and misbranding of tomato paste. U.S. v. 261 Cases, et al., of Tomato Paste. Decree of condemnation entered. Product released under bond. (F. & D. nos. 28782 to 28790, incl., 28812 to 28817, incl., 28827. Sample nos. 13397-A, 16777-A, 16780-A, 16781-A, 16783-A.)

The article covered by these cases was a tomato product which was sold as tomato paste but which was not sufficiently concentrated to be labeled tomato