

Tomato Paste case 340

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]

20601-20725

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 20, 1934]

20601. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Product ordered released under bond. (F. & D. no. 29154. Sample no. 14605-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 October 7, 1932, the United States attorney for the Southern 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 15 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Western Creamery Co., Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about October 3, 1932, from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "From Western Creamery Company, Salt Lake City, Utah, to South Gate Public Market, Los Angeles, Calif."; (prints) "Meadow Brook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the statement, "Butter" on the label, was false and misleading, since the article contained less than 80 percent of milk fat.

On November 12, 1932, the Western Creamery Co., Salt Lake City, Utah, filed an answer admitting the allegations of the libel and praying release of the product to be reworked or sold to the baking or other manufacturing trade. On the same date the claimant having filed a good and sufficient bond conditioned that the butter would not be disposed of contrary to the Federal Food and Drugs Act, judgment was entered ordering the product released. On November 30, 1932, the terms of the bond having been complied with, an order was entered making the release permanent, and ordering that the bond be exonerated and that claimant pay costs of the proceedings.

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

20602. Adulteration of apples. U. S. v. 840 Boxes of Apples. Product released under bond. (F. & D. no. 29615. Sample no. 24350-A.)

This action involved the interstate shipment of a quantity of apples that were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On November 22, 1932, the United States attorney for the Southern 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 840 boxes of apples, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been