

**20829. Adulteration and misbranding of butter. U. S. v. 35 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30409. Sample no. 34523.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 17, 1933, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 35 boxes of butter at Springfield, Mass., consigned April 5, 1933, alleging that the article had been shipped in interstate commerce by the North American Creameries, Inc., from Paynesville, Minn., to Springfield, Mass., 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 product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

Misbranding was alleged for the reason that the article was labeled butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On April 27, 1933, the North American Creameries Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it be reworked so that it contain at least 80 percent of butterfat.

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

**20830. Adulteration of butter. U. S. v. 14 Cubes of butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30402. Sample no. 36962-A.)**

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On April 6, 1933, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 14 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about March 29, 1933, by the Bitter Root Creamery, from Stevensville, Mont., to Seattle, Wash., 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.

On April 10, 1933, the Bitter Root Creamery Co., Stevensville, Mont., 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 claimant upon payment of costs and the execution of a bond in the sum of \$175, conditioned that it be made to comply with the law.

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

**20831. Adulteration of tullibeas. U. S. v. 6½ Cases and 5 Boxes of Tullibeas. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 29872, 29877. Sample nos. 4572-A, 28544-A.)**

These cases involved interstate shipments of tullibeas that were infested with worms.

On January 24 and January 31, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States, libels praying seizure and condemnation of 11½ cases and boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about July 19, 1932, and in part on or about January 21, 1933, by Art Zippel, from Baudette, Minn., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On April 4, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**20832. Misbranding of butter. U. S. v. 6 Cartons of Butter. Product released under bond. (F. & D. no. 30083. Sample nos. 28159-A, 28160-A.)**

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

On March 13, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 6 cartons of butter at Santa Fe, N.Mex., alleging that the article had been shipped in interstate commerce, on or about February 21 and February 23, 1933, by the Carlson-Frink Co., from Denver, Colo., to Santa Fe, N.Mex., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Mountain Kist Butter, A. Frink Product, One Pound Net \* \* \* Carlson-Frink Co., Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement, "One Pound", borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was 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.

The Carlson-Frink Co., Denver, Colo., appeared as claimant for the property, and admitted the allegations of the libel, and filed a good and sufficient bond conditioned that the product should not be disposed of in violation of the law. On April 10, 1933, a decree was entered ordering the butter released to the claimant, and permitting its shipment to Denver in order that the contents of the cartons be brought up to the declared weight; and further ordering that claimant pay costs of the proceedings.

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

**20833. Adulteration of butter. U. S. v. 30 Cartons of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. no. 29899. Sample no. 34884-A.)**

This case involved a quantity of butter that contained less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On February 15, 1933, 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 a libel praying seizure and condemnation of 30 cartons, each containing 30 pounds of butter, at Reading, Pa., alleging that the article had been shipped in interstate commerce, on or about February 4, 1933, by Paul A. Schulze Co., from St. Louis, Mo., to Reading, Pa., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clover Springs \* \* \* Butter \* \* \* Distributed by Paul A. Schulze Co., St. Louis, Mo."

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 March 10, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. The court having found that the product was wholesome, ordered that it be delivered to charitable institutions.

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

**20834. Misbranding of grapefruit juice. U. S. v. 145 Cases of Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29647. Sample no. 30083-A.)**

This case involved a quantity of grapefruit juice, sample cans of which were found to contain less than the declared amount.

On December 16, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 145 cases of grapefruit juice at Detroit, Mich., alleging that the article had been shipped in interstate commerce, on or about October 10, 1932, by the