

26587. Adulteration of blueberries. Default decree of condemnation and destruction. (F. & D. no. 38169. Sample no. 9494-C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, 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 a libel praying seizure and condemnation of nine crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by Kurt Bros., from Mount Carmel, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26588. Adulteration of butter. U. S. v. 10 Cartons, et al., of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. nos. 38176 to 38179, incl. Sample nos. 5088-C to 5091-C, incl.)

These cases involved butter that was deficient in milk fat.

On August 4, 1936, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 86 cartons of butter at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about July 24, 1936, in various consignments, by the Granville Cooperative Creamery from Granville, N. Dak.; Sherwood Creamery Association from Sherwood, N. Dak.; Bottineau Cooperative Creamery Association from Bottineau, N. Dak.; and Farmers Union Cooperative Creamery Association from Portland, N. Dak., charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Land O'Lakes Creameries, Inc., Crookstown, Minn."

The article was alleged to be 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 Congress of March 4, 1923.

On September 8, 1936, Land O' Lakes Creameries, Inc., having appeared as claimant and the actions having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26589. Adulteration of butter. U. S. v. 9, 10, and 4 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. nos. 38180, 38181, 38182. Sample nos. 8509-C, 8510-C, 8511-C, 9024-C, 9025-C.)

These cases involved interstate shipments of butter that was deficient in milk fat.

On August 10 and 11, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 28, 1936, in part by the Anderson Creamery Co. from Dickinson, N. Dak.; in part by Glen Ullin Creamery from Glen Ullin, N. Dak.; and in part by New England Creamery from New England, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be 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 by weight of milk fat as provided by the act of Congress of March 4, 1923.

On September 15, 1936, Fortrang Bros., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*