

RICE

369. Adulteration of rice. U. S. v. 300 Sacks of Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1306. Sample No. 83459-D.)

This product was in interstate commerce when examined and was found to be insect-infested at that time.

On January 9, 1940, the United States attorney for the District of Oregon filed a libel against 300 sacks of rice at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by Republic Rice Mill, Inc., from Lake Charles, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On February 14, 1940, Hudson-Duncan Co., Portland, Oreg., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of contrary to the law.

BAKERY PRODUCTS

COOKIES

370. Misbranding of cookies. U. S. v. 320 Packages of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 1286. Sample No. 71318-D.)

This product was deceptively packaged, since its container was filled only to approximately 52 percent of its capacity; and the statement of the quantity of contents was printed on the bottom of the package.

On January 8, 1940, the United States attorney for the District of Arizona filed a libel against 320 packages of cookies at Globe, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30, 1939, by Davies Warehouse Co. from Los Angeles, Calif.; and charging that it was misbranded. The article was labeled in part: "Nutt Bros Big Buy Cookies."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the required statement of the quantity of contents was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 371-385, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

371. Adulteration of butter. U. S. v. 36 Tubs and 73 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 1400, 1497. Sample Nos. 55173-D, 55175-D.)

On January 10 and 24, 1940, the United States attorney for the Northern District of Illinois filed libels against 109 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 7 and 12, 1939, by the O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 1 and 7, 1940, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked so that it conform to the requirements of the law.

372. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reurning. (F. D. C. No. 1498. Sample No. 55178-D.)

On January 30, 1940, the United States attorney for the Northern District of Illinois filed a libel against 50 tubs of butter at Chicago, Ill., alleging that the

article had been shipped in interstate commerce on or about January 16, 1940, by the Flittie Creamery from Washington Springs [Wessington Springs], S. Dak., and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 14, 1940, G. E. Flittie, of the Flittie Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be returned to the legal standard.

373. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation. Product released under bond for reconditioning. (F. D. C. No. 1708. Sample No. 14623-E.)

On March 15, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 10 tubs of butter at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about March 9, 1940, by the Central West Shippers from Manchester, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 19, 1940, judgment of condemnation was entered, and the product was ordered delivered to the Central West Shippers, claimant, under bond for reconditioning.

374. Adulteration of butter. U. S. v. 3 Tubs and 14 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1569. Sample No. 85875-D.)

On February 26, 1940, the United States attorney for the Southern District of New York filed a libel against 17 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1940, by Stanton Cooperative Creamery from Stanton, Nebr.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 11, 1940, Dairy & Poultry Cooperatives, Inc., New York, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain 80 percent of butterfat.

375. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1657. Sample Nos. 13501-E, 13502-E.)

On March 6, 1940, the United States attorney for the Western District of Washington filed a libel against 10 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, by Carbon County Creamery Co. from Red Lodge, Mont.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 12, 1940, Carbon County Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of this Department.

376. Adulteration of butter, U. S. v. 19 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1682. Sample No. 89420-D.)

On or about March 7, 1940, the United States attorney for the Northern District of Illinois filed a libel against 19 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 17, 1940, by the Galva Creamery Co. from Kansas City, Mo.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 12, 1940, Marwyn Dairy Products Corporation, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.