

with so as to reduce its quality or strength or make it appear better or of greater value than it was.

It was alleged to be misbranded in that it was in package form but did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, nor an accurate statement of the quantity of contents. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and the common or usual name of each of such ingredients was not set forth in the label.

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DAIRY PRODUCTS

BUTTER

526. Adulteration of butter. U. S. v. Nels M. Lindgren (Monticello Dairy). Plea of guilty. Fine, \$30. (F. D. C. No. 926. Sample Nos. 60259-D, 67727-D, 67733-D.)

This product contained less than 80 percent of milk fat.

On March 5, 1940, the United States attorney for the District of Minnesota filed in the district court an information against Nels M. Lindgren, trading as Monticello Dairy at Monticello, Minn., alleging shipment by said defendant on or about August 12 and 16, 1939, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated.

Adulteration was alleged in that a valuable constituent, milk fat, had been in part omitted from the article and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 5, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$30.

527. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$10. (F. D. C. No. 923. Sample No. 44499-D.)

This product contained less than 80 percent of milk fat.

On April 2, 1940, the United States attorney for the District of Minnesota filed an information against Armour & Co., a corporation trading as Armour Creameries at St. Paul, Minn., alleging shipment by said company on or about August 9, 1939, from the State of Minnesota into the State of New Jersey, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 2, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

Nos. 528 to 564, 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.)

528. Adulteration of butter. U. S. v. 34 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. D. C. No. 1502. Sample No. 89409-D.)

On February 9, 1940, the United States attorney for the District of Massachusetts filed a libel against 34 tubs, each containing 63 pounds, of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by Armour & Co. from Chicago, Ill.; 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 15, 1940, Peter Fox Sons, Inc., 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 that the product be released to claimant for reworking so that it contain not less than 80 percent by weight of milk fat.

529. Adulteration and misbranding of butter. U. S. v. 4 Cubes and 53 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 2025, 2038. Sample No. 14714-E.)

On May 18 and 20, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 57 cubes of butter at Philadelphia, Pa.,

alleging that the article had been shipped in interstate commerce, on or about May, 7, 1940, by Anderson Creamery Co. from Litchfield, Minn.; 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 statement was false and misleading since the product contained less than 80 percent of milk fat.

On May 21, 1940, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant 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 brought into compliance with the law under Government supervision.

530. Adulteration of butter. U. S. v. 1 Carton of Butter (and 2 other seizure actions involving butter). Decrees of condemnation. Portion of product ordered released under bond to be reworked. One tub ordered delivered to charitable institutions. (F. D. C. Nos. 2060, 2061, 2140. Sample Nos. 10970-E, 10971-E, 10975-E.)

On May 21 and 24, 1940, the United States attorney for the Southern District of New York filed 3 libels against a total of 26 cartons and 30 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7 and 13, 1940, by Arrow Creameries from Hebron, N. Dak.; 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. The article was labeled in part: "J. R. Kramer, Inc., * * * New York"; "Fortgang Bros. N. Y."; or "Jos. J. Herold Co. * * * New York."

On June 5, 1940, the Arrow Creameries, Hebron, N. Dak., and Fortgang Bros., Inc., New York, N. Y., claimants, respectively, for the product covered by two of the libels, having admitted the allegations of the said libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be reworked so that it contain at least 80 percent butterfat. On June 7, 1940, no claim or answer having been filed in the remaining action, judgment of condemnation was entered and it was ordered that the product (one carton) be delivered to a charitable institution.

531. Adulteration and misbranding of butter. U. S. v. 52 Cartons of Butter (and one other seizure action involving butter). Consent decrees of condemnation. Product released under bond for reworking. (F. D. C. Nos. 1706, 1776. Sample Nos. 10308-E, 10333-E.)

On March 18 and April 2, 1940, the United States attorney for the Southern District of New York filed libels against 99 cartons, each containing 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 5 and 20, 1940, by the Barrett Cooperative Creamery from Barrett, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed by Gude Bros. Kieffer Co."

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. 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 28 and April 20, 1940, the Barrett Cooperative Creamery Co., 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 contain not less than 80 percent of milk fat.

532. Adulteration of butter. U. S. v. 63 Pounds of Butter. Consent decree finding product adulterated and ordering that it be delivered to a charitable institution. (F. D. C. No. 1533. Sample No. 67145-D.)

On or about February 16, 1940, the United States attorney for the Western District of Missouri filed a libel against 63 pounds of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 5, 1940, by Beatrice Creamery Co. from Topeka, Kans.; and charging that it was adulterated. It was labeled in part: "Meadow Gold Butter. * * * Distributed by Beatrice Creamery Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted; and in that an article