

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

which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On February 21, 1940, the shipper having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and it was ordered that the product be turned over to a charitable institution since it was not unfit for human consumption.

533. Adulteration of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2132. Sample No. 14720-E.)

On May 24, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 15 cartons, each containing 60 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Bird Island Cooperative Creamery from Bird Island, Minn.; 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 June 3, 1940, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of in violation of the law.

534. Adulteration and alleged misbranding of butter. U. S. v. 15 Cubes and 6 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 1856, 1857. Sample Nos. 13923-E, 13924-E.)

On April 10, 1940, the United States attorney for the Western District of Washington filed libels against 21 cubes of butter at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about April 1 and 8, 1940, by Boundary Creamery from Bonners Ferry, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: "J. S. Griffiths Co. * * * Seattle, Wn."

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 April 16, 1940, Boundary Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment was entered finding the product adulterated and ordering that it be condemned; and it was further ordered that the product be released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

535. Adulteration and misbranding of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1681. Sample No. 61892-D.)

On March 7, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 11 cases, each containing 32 1-pound prints, of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, by W. R. Branson from Wichita, Kans.; and charging that it was adulterated and misbranded. The article was labeled in part: "Cudahy's Sunlight Creamery Butter. The Cudahy Packing Co., * * * Distributors."

It 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 that should contain not less than 80 percent by weight of milk fat, as provided by law. The article was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading.

On April 27, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

536. Adulteration of butter. U. S. v. 11 Cubes and 10 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. D. C. No. 1980. Sample No. 7541-E.)

On May 6, 1940, the United States attorney for the Southern District of California filed a libel against 21 cubes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Cascade Creamery from Cascade,