

All lots were alleged to be misbranded in that the statements in the labeling, "One Pound Net" or "1 Pound Net," were false and misleading in that they were not correct. They were alleged to be misbranded further in that the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**729. Misbranding of butter. U. S. v. Turner Creamery Co. Plea of guilty. Fine, \$50.** (F. D. C. No. 2993. Sample No. 5405-E.)

This product was short weight.

On August 7, 1940, the United States attorney for the Southern District of Indiana filed an information against the Turner Creamery Co., a corporation, Paoli, Ind., alleging shipment on or about March 26, 1940, from the State of Indiana into the State of Kentucky, of a quantity of butter which was misbranded. It was labeled in part: (Wrapper) "Roll Gold Brand \* \* \* 1 Lb. Net."

It was alleged to be misbranded in that the statement "1 Lb. Net" was false and misleading since each of the wrappers did not contain 1 pound net of butter but did contain a less amount. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

On September 26, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

Nos. 730 to 732, inclusive, report the institution of criminal proceedings based on shipments of butter which contained less than 80 percent by weight 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.)

**730. Adulteration of butter. U. S. v. Barrett Cooperative Creamery Co. Plea of guilty. Fine, \$75.** (F. D. C. No. 959. Sample Nos. 85834-D, 10308-E, 10333-E.)

On August 14, 1940, the United States attorney for the District of Minnesota filed an information against the Barrett Cooperative Creamery Co., a corporation, at Barrett, Minn., alleging shipment within the period from on or about December 26, 1939, to on or about March 19, 1940, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated. It was labeled in part: "Distributed by Gude Bros. Kieffer Co. \* \* \* New York."

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

On August 14, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$75 was imposed.

**731. Adulteration of butter. U. S. v. Isaly's Creamery Products, Inc. Plea of guilty. Fine, \$25 and costs.** (F. D. C. No. 962. Sample Nos. 51851-D, 69774-D.)

On July 15, 1940, the United States attorney for the Northern District of Indiana filed an information against Isaly's Creamery Products, Inc., Ft. Wayne, Ind., alleging shipment on or about August 12 and 19, 1939, from the State of Indiana into the State of Pennsylvania of quantities of butter that was adulterated.

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

On August 27, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 with costs.

**732. Adulteration of butter. U. S. v. Leo J. Jacobsen (The Roberts Creamery). Plea of nolo contendere. Fine, \$500.** (F. D. C. No. 938. Sample No. 74419-D.)

On March 30, 1940, the United States attorney for the Western District of Wisconsin filed an information against Leo J. Jacobsen, trading as the Roberts Creamery at Roberts, Wis., alleging shipment on or about December 7, 1939, from the State of Wisconsin into the State of Minnesota, of a quantity of butter which was adulterated.

It was alleged to be adulterated 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 September 17, 1940, the defendant entered a plea of guilty and was fined \$500.

Nos. 733 to 799, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat.

**733. Adulteration and alleged misbranding of butter. U. S. v. 168 Boxes of Butter. Decree of condemnation. Product ordered released under bond.** (F. D. C. No. 2213. Sample No. 14726-E.)

On June 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 168 50-pound boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 28, 1940, by the Albin Creamery Co. from Sleepy Eye, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Box) "Frank Hellerick Co., Inc."; (print) "Butter."

It 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 the statement "Butter," on the label, was false and misleading since it contained less than 80 percent of milk fat.

On June 17, 1940, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment was entered finding the product adulterated and ordering that it be condemned; and it was ordered further that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

**734. Adulteration of butter. U. S. v. 26 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 3145. Sample No. 34149-E.)

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 26 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Andersen Creamery from Miller, 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. The article was labeled in part: "Trelease & Underhill \* \* \* New York."

On October 8, 1940, the Andersen Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

**735. Adulteration and misbranding of butter. U. S. v. 29 60-Pound Cartons of Butter. Decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 2131. Sample No. 14719-E.)

On May 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against twenty-nine 60-pound cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Anderson Creamery Co. from Litchfield, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by C. G. Heyd & Co. Phila. Pa."

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 the statement "Butter," on the label, was false and misleading as applied to a product which contained less than 80 percent of milk fat.

On May 28, 1940, C. G. Heyd & Co., 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 contrary to law.

**736. Adulteration and misbranding of butter. U. S. v. 2 Tubs and 31 Cubes of Butter. Decrees of condemnation. Portion of product ordered released under bond; remainder delivered to a charitable institution.** (F. D. C. Nos. 2290, 3203. Sample Nos. 33317-E, 24496-E.)

On June 19 and October 8, 1940, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania filed libels against two tubs of butter at New York, N. Y., and 31 cubes of butter at Phila-