

delphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 7 and September 27, 1940, by the Aneta Creamery or the Aneta Creamery & Produce Co. from Aneta, N. Dak.; and charging that it was adulterated and misbranded. One lot was labeled in part: "Aneta Creamery, Aneta, N. Dak. \* \* \* Zenith-Godley Co. N. Y." The other lot was labeled in part: "Butter Distributed by C. G. Heyd & Co. Phila. Pa. \* \* \* Aneta Creamery, Aneta, N. Dak."

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 as it contained less than 80 percent of milk fat.

On July 3, 1940, no claimant having appeared for the lot seized at New York, N. Y., judgment of condemnation was entered and the said lot was ordered delivered to a charitable institution. On October 18, 1940, C. G. Heyd & Co., Philadelphia, claimant for the butter seized at Philadelphia, Pa., having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be brought into compliance with the law.

**737. Adulteration and misbranding of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2287. Sample No. 10445-E.)**

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the Arrow Creamery, of Hazen, N. Dak., in a pool car shipped from Carlton, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Fortgang Bros. \* \* \* Butter."

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. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On July 10, 1940, the claimant, Fortgang Bros., Inc., New York, N. Y., 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 at least 80 percent of milk fat.

**738. Adulteration and misbranding of butter. U. S. v. 90 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2254. Sample No. 33308-E.)**

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 90 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Ashley Creamery from Ashley, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed by Zimmer & Dunkak, Inc. 4008 New York, N. Y."

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. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On June 28, 1940, the claimant, the Ashley Creamery, 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 at least 80 percent milk fat.

**739. Adulteration of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3032. Sample No. 34142-E.)**

On September 13, 1940, the United States attorney for the Southern District of New York filed a libel against 36 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by the Baldwin Creamery Co. from Clark, S. Dak.; and charging that it was adulterated. It was labeled in part: "Distributors Zenith-Godley Co. N. Y."

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.

On September 24, 1940, the claimant, the Baldwin Creamery Co., 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 at least 80 percent of milk fat.