

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 October 21, 1940, the Eureka Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so as to contain at least 80 percent by weight of milk fat.

**1067. Adulteration and misbranding of butter. U. S. v. 195 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 2228. Sample No. 3569-E.)

On June 7, 1940, the United States attorney for the Western District of New York filed a libel against 195 cartons of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about May 21, 1940, by the Farmers Co-Operative Creamery Association from Slater, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: (Parchment wrapper) "Vita-Gold Sweet Cream Butter Distributed by Danahy-Faxon Stores, Inc. Buffalo, N. Y."

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 July 15, 1940, the Farmers Co-Operative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent milk fat.

**1068. Adulteration and misbranding of butter. U. S. v. 16 Cartons and 7 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.** (F. D. C. Nos. 3212, 3214. Sample Nos. 34166-E, 34168-E.)

On October 4 and 5, 1940, the United States attorney for the Southern District of New York filed a libel against 23 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14 and 21, 1940, by the Farmers Union Cooperative Creamery from Portland, N. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Dist. by Zimmer & Dunkak, Inc. 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 by weight of milk fat.

On October 21, 1940, the Farmers Union Cooperative Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, 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.

**1069. Adulteration and misbranding of butter. U. S. v. 11 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked.** (F. D. C. No. 3209. Sample No. 34162-E.)

On October 5, 1940, the United States attorney for the Southern District of New York filed a libel against 11 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 19, 1940, by the Flandreau Cooperative Creamery from Flandreau, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Dairy & Poultry Co. Inc. \* \* \* New York."

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 by weight of milk fat.

On October 21, 1940, the Flandreau Cooperative 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 reworked so that it contain at least 80 percent of milk fat.