

1074. Adulteration and misbranding of butter. U. S. v. 17 Cartons and 45 Cartons of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3208, 3213. Sample Nos. 34161-E, 34167-E.)

On October 4 and 7, 1940, the United States attorney for the Southern District of New York filed libels against 62 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 19 and 21, 1940, by the Landsberger Creamery & Produce Co., of Sisseton, S. Dak., in pool car shipped from Minneapolis, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Distributed By Gude Bros. Kieffer Co. * * * 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 25, 1940, the Landsberger Creamery & Produce 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 at least 80 percent of milk fat.

1075. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter (and 3 other seizure actions against butter). Decrees of condemnation. Portion of the product released under bond to be reworked. Remainder delivered to a charitable institution. (F. D. C. Nos. 2395, 3175, 3252, 3283. Sample Nos. 12528-E, 20719-E, 24515-E, 24519-E.)

Between July 2 and October 18, 1940, the United States attorneys for the Northern District of California, the Southern District of Florida, and the Middle District of Pennsylvania filed libels against 10 cubes of butter at San Francisco, Calif.; 19 cases of print butter at Jacksonville, Fla.; and 45 cases of print butter at Nanticoke, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about June 15 to October 2, 1940, by the Armour Creameries from Pocatello, Idaho; Dublin, Ga.; and Mitchell, S. Dak.; and charging that it was adulterated and misbranded. The print butter was labeled in part: "Gold Band Creamery Butter" or "Armour's Cloverbloom Butter."

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. The lots seized at San Francisco, Calif., and Nanticoke, Pa., were alleged to be misbranded in that the article was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On September 11 and October 31, 1940, the Armour Creameries, claimant for the lots seized at San Francisco and Nanticoke 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 to the legal standard. On November 4, 1940, no claim or answer having been filed in the action at Jacksonville, Fla., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1076. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3281. Sample No. 34174-E.)

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against 13 cartons of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 24, 1940, by Lewisville Farmers Creamery Association from Lewisville, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Sunnyfield A & P Butter The Great Atlantic & Pacific Tea 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 the statement on the label, "Butter," was false and misleading since it was not correct.

On November 29, 1940, the Lewisville Farmers Creamery Association, 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 by weight of milk fat.