

1555. Adulteration of butter. U. S. v. 128 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3076. Sample No. 27334-E.)

This product contained mold.

On or about September 4, 1940, the United States attorney for the Eastern District of Tennessee filed a libel against 128 pounds of butter at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1940, by the Southern Maid Dairies, Inc., from Bristol, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. The article was labeled in part: "Southern Maid Creamery Butter."

On or about December 14, 1940, no defense having been made to the action, judgment of condemnation was entered and the product was ordered destroyed.

1556. Misbranding of butter. U. S. v. 150 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 2722. Sample No. 21132-E.)

This product was short of the declared weight.

On August 9, 1940, the United States attorney for the Territory of Hawaii filed a libel against 150 cases of butter at Honolulu, T. H., consigned by American Factors, Ltd., alleging that the article had been shipped in interstate commerce on or about August 2, 1940, from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Carton) "Diamond Head Brand Butter."

The article was alleged to be misbranded in that the carton bore the statement "Net Weight 1 lb.," which statement was false and misleading for the reason that the weight of the contents of the carton was less than 1 pound net. It was alleged to be misbranded further in that it was in package form and the package did not bear an accurate statement of the quantity of the contents.

On August 15, 1940, American Factors, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond for repacking to the labeled weight.

1557. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 4220. Sample No. 60059-E.)

This product was short of the declared weight.

On March 14, 1941, the United States attorney for the Western District of Washington filed a libel against 6 boxes of butter at Raymond, Wash., alleging that the article had been shipped in interstate commerce on or about March 11, 1941, by Swift & Co. from Portland, Oreg.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement "Goldcrest Creamery Butter One Pound Net Weight," was false and misleading since the prints contained less than 1 pound net weight of butter. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents in terms of weight.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal penal institution.

CHEESE

1558. Misbranding of grated cheese. U. S. v. 34 Cases and 24 Cases of Grated Cheese. Default decree of condemnation. Product delivered to a Federal institution. (F. D. C. No. 2407. Sample Nos. 4048-E, 4049-E.)

This Italian style cheese occupied only about 74 percent of the capacity of its containers and the American cheese occupied only about 53 percent of the capacity of its containers.

On July 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 58 cases of grated cheese at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 26 and June 20, 1940, by the Emm-An-Cee Co. from Chicago, Ill.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Box) "M&C

* * * Italian Style Grated Cheese"; or "Grated American Whole Milk Cheese."