

2656. Adulteration of butter. U. S. v. 24 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 5720. Sample Nos. 62254-E, 62255-E.)

On or about August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 24 30-pound cartons of butter in Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 4, 1941, by the Monroe City Creamery from Monroe City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Homade brand Butter."

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2657. Adulteration of butter. U. S. v. 44 Cartons, 36 Cartons, and 191 Boxes of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 5121, 5124, 6170. Sample Nos. 47352-E, 47353-E, 62346-E.)

In addition to containing mold, portions of this product were also deficient in milk fat.

On June 17 and October 3, 1941, the United States attorney for the Northern District of Illinois filed libels against 80 cartons and 191 boxes, each containing 63 pounds, of butter at Chicago, Ill., alleging that the article had been shipped on or about June 2 and September 10, 1941, by W. B. Pruitt Produce Co. from Muskogee, Okla.; and charging that it was adulterated. It was labeled in part: "Creamery Butter," or "Creamery Butter. The Peter Fox Sons Co. Distributors, Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. Portions of the product were alleged to be adulterated further in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On September 3 and November 12, 1941, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels and the cases covered by the libels filed on June 17 having been consolidated, judgments of condemnation were entered and the product was ordered released under bond, the portion shipped on June 2 to be salvaged for use in the making of soap and the remainder to be converted into refined butter oil under the supervision of the Food and Drug Administration.

2658. Adulteration of butter. U. S. v. 30 Boxes of Butter. Default decree of forfeiture and destruction. (F. D. C. No. 6132. Sample No. 79223-E.)

On October 13, 1941, the United States attorney for the Southern District of Indiana filed a libel against 30 58-pound boxes of butter at Frankfort, Ind., alleging that the article had been shipped in interstate commerce on or about September 27, 1941, by St. Louis Refrigerating & Cold Storage from St. Louis, Mo.; 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.

On November 14, 1941, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

2659. Adulteration and misbranding of butter. U. S. v. 8 Cases, 21 Cases, 19 Cases, and 17 Pounds of Butter. Consent decrees of condemnation and destruction. (F. D. C. Nos. 5091, 5092, 5097. Sample Nos. 42196-E, 42197-E, 64040-E.)

This product was short of the declared weight, in addition to containing mold.

On June 18 and 19, 1941, the United States attorney for the Western District of New York filed libels against 48 30-pound cases and 17 separate pounds of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about June 5, 1941, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: (Wrapper on prints) "Net Weight 1 Lb. Peerless Brand Roll Butter Distributed by Hickman, Coward & Wattles, Inc. Buffalo, N. Y." or "1 Pound Net Weight Jersey Brand Creamery Butter—Distributed by I. V. Horn Co. * * * Buffalo, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance.

It was alleged to be misbranded in that the prints did not contain "Net Weight 1 Lb." as labeled

On November 27, 1941, Paul A. Schulze Co., claimant, having consented to the

entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

2660. Adulteration and misbranding of butter. U. S. v. 141 $\frac{3}{4}$ Cases, 7 Cartons, 90 Pounds, and 391 Boxes of Butter. Decrees of condemnation. One shipment of product ordered released under bond for reprocessing of fit portion and destruction of unfit; portions released under bond for conversion into soap and greases; and remainder ordered destroyed. (F. D. C. Nos. 5867, 5369, 5705, 5715, 5729, 5765, 5865, 6005. Sample Nos. 35392-E, 48066-E, 49709-E, 59369-E, 67091-E, 67126-E, 67333-E, 67334-E.)

One shipment of this product consisted in part of butter that was moldy and in part of butter that was deficient in milk fat; the butter in all other shipments contained mold.

Between July 28 and August 27, 1941, the United States attorneys for the Southern District of Florida, Southern District of West Virginia, Eastern District of Louisiana, Western District of Tennessee, and the Eastern District of Illinois filed libels against the following amounts of butter: 110 32-pound cases at Tampa, Fla.; 7 32-pound cartons at Huntington, W. Va.; 31 $\frac{3}{4}$ 32-pound cases at New Orleans, La.; 90 pounds at Memphis, Tenn.; and 87 66-pound boxes at National Stock Yards, and 28 63-pound and 276 62-pound boxes at Danville, Ill., alleging that the article had been shipped within the period from on or about July 21 to on or about August 18, 1941, by Sugar Creek Creamery Co. from Louisville, Ky., Dardenelle, Ark., Salina, Kans., Mansfield, Mo., Evansville, Ind., and St. Louis and Cape Girardeau, Mo.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "Country Roll Creamery Butter Distributors Wilson & Co. * * * Chicago, Ill."; "Wilson Country Roll Butter, Wilson & Co., Chicago, Ill. Distributors"; "Daisy Maid Brand Creamery Butter * * * The Cudahy Packing Co. Distributors General Offices Chicago, Ill."; "Meramec Rolls"; or "Extra Fancy Creamery Butter * * * Distributed by Gerde, Newman & Co. New Orleans, La."

A portion of the product in one shipment 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.

The remainder of the butter in the above shipment and that in all other lots was alleged to be adulterated in that it consisted in whole or in part of filthy, putrid, or decomposed substances.

On August 22, 1941, Sugar Creek Creamery Co., claimant for the product seized at Danville, Ill., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be converted into soap and greases under the supervision of the Food and Drug Administration. On September 17, 1941, Sugar Creek Creamery Co., claimant for the product seized at National Stock Yards, Ill., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the fit portion of the product be released under bond to be reprocessed under the supervision of the Food and Drug Administration, and that the remainder be destroyed. Between September 3 and October 17, 1941, no claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

2661. Adulteration of butter. U. S. v. 5 Cases of Butter (and 5 other seizures of butter). Default decrees of condemnation. Portion of product ordered sold for use in soap making; remainder ordered destroyed. (F. D. C. Nos. 5319, 5368, 5402, 5403, 5706, 5710. Sample Nos. 35518-E, 35519-E, 47878-E, 48178-E, 49297-E, 51552-E, 79839-E, 79840-E.)

Between July 24 and August 14, 1941, the United States attorneys for the Southern and the Northern Districts of Alabama, District of Massachusetts, Southern District of Florida, Southern District of Ohio, and the Eastern District of Michigan filed libels against the following amounts of butter: 5 32-pound cases at Mobile, and 15 32-pound cases at Birmingham, Ala.; 3 32-pound boxes at Lawrence, Mass.; 34 32-pound cases at Jacksonville, Fla.; 53 32-pound boxes at Cincinnati, Ohio; and 120 32-pound cases at Detroit, Mich., alleging that the article had been shipped within the period from on or about June 23 to on or about August 5, 1941, by Swift & Co. from Fort Worth, Tex., Nashville, Tenn., Columbus, Nebr., Lexington, Ky., and Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy, putrid, or decomposed substances. The article was labeled in part: "Cresta Creamery Butter," "Gold Crest Creamery Butter," "Swift's Brookfield Butter," or "Glenwood Creamery Butter."

On September 29, 1941, no claimant having appeared for the portion of the