

On September 8, 1942, the Tip Top Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil under the supervision of the Food and Drug Administration.

4106. Adulteration of butter. U. S. v. 19 Boxes of Butter. Default decree of destruction. (F. D. C. No. 8049. Sample No. 94305-E.)

On or about July 9, 1942, the United States attorney for the Western District of Missouri filed a libel against 19 boxes of butter at Carthage, Mo., alleging that the article had been shipped in interstate commerce on or about June 22, 1942, by the Neodesha Creamery Co., from Neodesha, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 21, 1942, no claimant having appeared, judgment was entered ordering that the product be destroyed.

4107. Adulteration of butter. U. S. v. 155 Cubes of Butter. Tried by the court. Portion of product (31 cubes) condemned and ordered released under bond to be reworked; portion (56 cubes) ordered released and sold for technical purposes; remainder ordered released and sold for cooking and baking purposes. (F. D. C. No. 8121. Sample No. 14213-F.)

On July 31, 1942, the United States attorney for the Southern District of California filed a libel against 155 60-pound cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 20, 1942, by Henningsen Lamesa, Inc., from Lamesa, Tex.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, and in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and was otherwise unfit for food.

The shipper, Henningsen Lamesa, Inc., appeared as claimant and admitted that 1 churn (31 cubes) was deficient in fat, admitted that a second churn (32 cubes) was deficient in fat, but denied that it was otherwise adulterated and denied that the remaining churns were adulterated as alleged.

On October 8, 1942, the case came on for trial before the court without a jury, and evidence was introduced on behalf of the Government and the claimant. On October 9, 1942, an interlocutory decree was entered condemning the 31 cubes and ordering that they be released under bond to be reworked. On October 26, 1942, a final decree was entered ordering that the release of the 31 cubes be made permanent, that two churns (56 cubes) be sold for use in the manufacture of soap or explosives or similar purpose, and that the remainder be released for sale for cooking or baking but not for table use.

Nos. 4108 to 4123, (also No. 4107), report legal actions involving butter that was deficient in milk fat.

4108. Adulteration of butter. U. S. v. The Borden Company. Plea of guilty. Fine \$50. (F. D. C. No. 7664. Sample No. 70810-E.)

On September 3, 1942, the United States attorney for the Middle District of Tennessee filed an information against the Borden Co., a corporation, trading at Nashville, Tenn., alleging shipment from the State of Tennessee into the State of Georgia on or about March 23, 1942, of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had in part been omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Wrappers) "One Pound Morning Glory * * * Creamery Butter."

On October 28, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

4109. Adulteration of butter. U. S. v. J. Eastman Hatch, Trustee in Bankruptcy of Mutual Creamery Co. Plea of guilty. Fine \$25. (F. D. C. No. 7754. Sample No. 10995-F.)

On January 30, 1943, the United States attorney for the District of Utah filed an information against J. Eastman Hatch, Trustee in Bankruptcy of Mutual Creamery Co., a corporation, Salt Lake City, Utah, alleging shipment in interstate commerce on or about July 14, 1942, from the State of Utah into the State of California of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted