

4563. Adulteration and misbranding of butter. U. S. v. 18 Cases of Butter (and 3 additional seizure actions against butter). Decree of condemnation. One lot ordered sold as salvage fats. Remainder ordered released under bond to be reworked and relabeled. (F. D. C. Nos. 8046, 8584, 9285, 9568. Sample Nos. 1535-F, 22586-F, 29521-F, 32631-F.)

One of these lots of butter contained excessive mold. A second and a third lot were low in milk fat and one of these was also short weight. A fourth lot was short weight.

On or about July 22 and September 25, 1942, and on January 15 and February 22, 1943, the United States attorneys for the Northern District of Georgia, Northern District of Illinois, Eastern District of Pennsylvania, and Eastern District of Kentucky filed libels against 18 30-pound cases of butter at Atlanta, Ga., 45 32-pound cases at Chicago, Ill., 49 63-pound tubs at Philadelphia, Pa., and 8 32-pound cases at Maysville, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about June 29, 1942, to February 16, 1943, by the Beatrice Creamery Co. from Nashville, Tenn., Topeka, Kans., Chicago, Ill., and Cincinnati, Ohio; and charging that it was adulterated and misbranded. Portions of the article were labeled in part: "Blue Ribbon Creamery Butter * * * Made by The Borden Company, Nashville, Tennessee," "Meadow Gold Butter * * * 1 Lb. Net."

A portion of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy or decomposed substance. The remainder was alleged to be adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted in whole or in part for butter. One of the lots low in milk fat was alleged to be adulterated further in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom.

Portions of the article were alleged to be misbranded in that the statement on the label "1 Lb. Net," was false and misleading since it was incorrect, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On September 22, 1942, no claimant having appeared for the lot located at Atlanta, Ga., judgment of condemnation was entered and the product was ordered to be denatured and sold to renderers of fat designated by the Office of Price Administration. On October 9, 1942, and February 17 and March 3, 1943, the Beatrice Creamery Co., having appeared as claimant for the remaining lots, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into compliance with the law.

4564. Adulteration and misbranding of butter. U. S. v. 39 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be rendered into butter oil. (F. D. C. No. 8516. Sample No. 5812-F.)

This product contained insect parts and was short of the declared weight. Samples from one churning were found to contain excessive mold and to be low in milk fat. Two other churnings also were low in milk fat.

On August 24, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 39 32-pound cases of butter at the National Stock Yards, Ill., alleging that the article had been shipped in interstate commerce on or about August 12, 1942, by the Monroe City Creamery Co., from Monroe City, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: (Carton) "Swift's Brookfield Butter One Pound Net."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. A portion was alleged to be adulterated further in that it consisted in whole or in part of a filthy, putrid or decomposed substance, and this portion and other portions were alleged to be adulterated further 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 labeling was false and misleading since the prints did not contain 1 pound net as labeled.

On September 23, 1942, the Monroe City Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted into refined butter oil under the supervision of the Food and Drug Administration.