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**14377. Adulteration and misbranding of butter. U. S. v. 23 Cartons (1,380 pounds) \* \* \*. (F. D. C. No. 26679. Sample No. 23909-K.)**

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**LIBEL FILED:** December 9, 1948, Middle District of Alabama.

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**ALLEGED SHIPMENT:** On or about September 18, 1948, by Foremost Dairies, Inc., from Americus, Ga.

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**PRODUCT:** 23 60-pound cartons of butter at Montgomery, Ala.

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**LABEL, IN PART:** "60#."

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**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed material (it contained excessive mold); and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

No.

Misbranding, Section 403 (i) (1), the labels failed to bear the common or usual name of the product; and, Section 403 (e), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

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**DISPOSITION:** January 12, 1949. Default decree of condemnation. The product was ordered sold to the highest bidder, to be denatured and disposed of for use as inedible fat.

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**14378. Adulteration of butter. U. S. v. Berger Creamery Co. and Miles Romesburg. Pleas of nolo contendere. Company fined \$100 and costs; individual fined \$50. (F. D. C. No. 26317. Sample Nos. 8942-K, 8947-K.)**

court

**INFORMATION FILED:** January 31, 1949, District of Nebraska, against the Berger Creamery Co., a partnership, South Sioux City, Nebr., and Miles Romesburg, manager of the firm.

\* \*

**ALLEGED SHIPMENT:** On or about July 29, 1948, from the State of Nebraska into the State of New York.

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**LABEL, IN PART:** "Butter Breakstone Bros., Inc. Distributors New York New York."

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**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted therefrom; and Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

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**DISPOSITION:** February 17, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100 and costs against the company and a fine of \$50 against the individual.

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**14379. Adulteration of butter. U. S. v. Knoxville Co-operative Creamery. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 25312. Sample Nos. 8930-K, 9216-K.)**

**INFORMATION FILED:** December 8, 1948, Southern District of Iowa, against the Knoxville Co-operative Creamery, a corporation, Knoxville, Iowa.

**ALLEGED SHIPMENT:** On or about July 19, 1948, from the State of Iowa into the State of New York.

**LABEL, IN PART:** "Butter Distributed by J. R. Kramer, Inc. 5136 New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2),