14699. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21180. I. S. No. 14035-x. S. No. C-5183.)

On June 28, 1926, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the A. G. Creamery Co., from Arcadia, Wis., June 17, 1926, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On August 31, 1926, Leserman Bros., Chicago. Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of butterfat and not more than 16 per cent of water.

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14700. Adulteration and misbranding of butter. U. S. v. 12 Tubs and 12 Tubs of Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21313, 21314. I. S. Nos. 7200-x, 13473-x. S. Nos. E-5862, E-5863.)

On September 7 and 10, 1926, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 24 tubs of butter, at New York, N. Y., alleging that the article had been shipped by the Faith Creamery Co., from Faith, S. Dak., on or about August 30, 1926, and transported from the State of South Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 30 and November 1, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*