

On October 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1 tub of butter, remaining in the original unbroken package at Philadelphia, Pa., consigned by the Prairie Farm Cooperative Creamery, Almena, Wis., alleging that the article had been shipped from Almena, Wis., on or about October 14, 1930, and had been transported from the State of Wisconsin into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should not contain less than 80 per cent of milk fat.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 29, 1930, the Prairie Farm Cooperative Creamery, Almena, Wis., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$50, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17715. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25279. I. S. No. 4473. S. No. 3520.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On October 18, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sioux Valley Creamery, Lake Park, Iowa, on or about October 7, 1930, and had been transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it 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.

On October 22, 1930, the Sioux Valley Cooperative Creamery Co., Lake Park, Iowa, 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 costs and the execution of a bond in the sum of \$250, conditioned in part that it be reworked and reprocessed so that it contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17716. Misbranding of dairy feed. U. S. v. 100 Sacks of Dairy Feed. Default decree of forfeiture and sale. (F. & D. No. 24404. I. S. No. 015989. S. No. 2670.)

Samples of dairy feed from the herein described interstate shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On January 3, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 sacks of dairy feed, remaining unsold in the original packages at Grove City, Ohio, consigned by the Greendale Mills (Inc.), Lawrenceburg, Ind., October 21, 1929, alleging that the article had been shipped in interstate commerce from Lawrenceburg, Ind., into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Greendale * * * Dairy Feed Manufactured by Greendale Mills Inc., Lawrenceburg, Ind. Guaranteed Analysis, Protein 24%."

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Guaranteed Analysis Protein 24%," was false and misleading and deceived and misled the purchaser when applied to a product containing less than 24 per cent of protein.

On November 20, 1930, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be relabeled by obliterating the figures "24.00%" on the label and substituting therefor "20.00%," and sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17717. Adulteration and misbranding of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25443. I. S. No. 13712. S. No. 3636.)

Samples of butter from the herein described interstate shipment having been found to contain less than 80 per cent of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about October 31, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Prairie River Creamery Co., from Gleason, Wis., October 20, 1930, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was sold, shipped, and labeled as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On November 21, 1930, C. H. Weaver & Co., Chicago, Ill., claimants, 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, to be reworked under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17718. Adulteration of cheese. U. S. v. 30 Boxes, et al., of Cheese. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 24640, 24699. I. S. Nos. 030805, 030806, 030811, 033550. S. Nos. 3002, 3031.)

Samples of cheese from the herein described interstate shipments having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about April 1 and April 4, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 268 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Sogen Cooperative Dairy Association, from Cannon Falls, Minn., in various consignments, on February 18, February 25, and March 4, 1930, respectively, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libels that the article was adulterated in that a substance containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article; and in that excessive moisture had been mixed and packed with and substituted in part for the said article.

On December 5, 1930, A. H. Barber & Co. (Inc.), Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant to be