23045. Adulteration of butter. U. S. v. 68 Cartons of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32938. Sample no. 66514-A.)

This case involved a shipment of butter, samples of which were found to contain mold, dust, ants, fragments of insects, and other extraneous matter.

On June 14, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 cartons, each containing 32 pounds of butter, at New Orleans, La.

On June 19, 1934, a supplemental libel was filed amending the original libel. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about June 2, 1934, by the Fort Worth Poultry & Egg Co., Inc., from Fort Worth, Tex., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Armour's Star Quality Cloverbloom * * * Butter * * * Armour Creameries—Chicago—Distributors."

The product was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 5, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

23046. Adulteration of butter. U. S. v. 1 Can and 1 Can of Butter. Default decrees of condemnation and destruction. (F. & D. nos. 32958, 32959. Sample nos. 70615-A, 70621-A.)

Samples of butter taken from the shipments involved in these cases were found to contain parts of insects, human, rodent, and cow hairs, and other extraneous matter.

On June 12 and June 28, 1934, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two cans of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 31 and June 18, 1934, by Standard Supply Co., from Christiansburg, Va., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 3 and July 16, 1934, no claimant having appeared, judgment of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23047. Misbranding of peanut butter. U. S. v. 49 Cases of Peanut Butter. Product ordered released under bond to be relabeled. (F. & D. no. 33003. Sample no. 72392-A.)

Sample jars of peanut butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On June 27, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of peanut butter at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce, on or about August 7, 1933, by the National Fruit Canning Co., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Jar) "Contents One Lb. Valamont Brand Peanut Butter National Fruit Canning Co., Seattle, Wash."

The article was alleged to be misbranded in that the statement on the label, "Contents One Lb.", was false and misleading and tended to deceive and mislead the purchaser, and in 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, since the statement made was incorrect.

The National Fruit Canning Co. filed a claim and answer admitting the allegations of the libel, paid court costs, and petitioned release of the product under bond for relabeling. On July 14, 1934, judgment was entered permitting its release and ordering that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*