district court a libel praying seizure and condemnation of 30 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 9, 1934, by the Iowa Valley Creamery Co., from Marengo, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 29, 1934, the Iowa Valley Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

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

23140. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33486. Sample no. 7257–B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 22, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 4, 1934, by the Canton Creamery Co., from Canton, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On August 28, 1934, the Canton Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

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

23141. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33492. Sample no. 16702–B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On August 31, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about August 17, 1934, from Dubuque, Iowa, by agent of the Clarksville Creamery Co., Clarksville, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On September 18, 1934, the Clarksville Creamery, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

23142. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 33493. Sample no. 16711–B.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On September 1, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the district court a libel praying seizure and condemnation of 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Hills Cooperative Creamery Association, as agent for the Farmers Cooperative Creamery Co., George, Iowa, arriving at New York, on or about August 28, 1934, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of Congress of March 4, 1923.

On September 7, 1934, the Farmers Cooperative Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

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

23143. Adulteration and misbranding of potatoes. U. S. v. 2 Cars of Potatoes. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33499. Sample nos. 18853-B, 18854-B.)

This case involved a shipment of potatoes that were labeled, "U. S. Grade No. 1", which were found to be below the requirements of United States grade No. 1 potatoes because of excessive grade defects.

On September 15, 1934, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cars of potatoes at Louisville, Ky., alleging that the article had been shipped in interstate commerce, on or about September 8, 1934, by the Owens Farms Co., from Wild Rose, Wis., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sacks) "Wisconsin Potatoes Owens Farm Co., Wild Rose, Wisconsin"; (tag) "U. S. Grade No. 1."

The article was alleged to be adulterated in that potatoes below the gr indicated on the label had been substituted wholly or in part for the art

Misbranding was alleged for the reason that the statement, "U. S. Grade Number One", borne on the tag, was false and misleading and tended to deceive and mislead the purchaser.

On September 18, 1934, Roy A. Klotz, trading as the R. A. Klotz Co., Louisville, Ky., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

23144. Adulteration of butter. U. S. v. 2 Tins of Butter. Decree of destruction. (F. & D. no. 33500. Sample no. 2821-B.)

This case involved a shipment of butter that was deficient in milk fat and filthy.

On August 21, 1934, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 50-pound tins of butter at Cincinnati, Ohio, consigned about August 16, 1934, alleging that the article had been shipped in interstate commerce, by Hornsby & Co., from Burning Springs, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

No claim having been entered for the property, and the consignee having recommended that, in view of its perishable nature, it be destroyed immediately, judgment was entered nunc pro tunc as of August 21, 1934, ordering that it be destroyed.

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