22936. Misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32923. Sample no. 73387-A.)

Sample packages of butter delivered for shipment in interstate commerce were found to contain less than 1 pound, the weight declared on the label.

On June 13, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cases of butter at Seattle, Wash., which had been delivered to the transportation company, on or about June 11, 1934, by Swift & Co., for shipment in interstate commerce, to Alaska, alleging that the article was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Swift's Premium Quality Brookfield Butter 1 Lb. Net Wt."

The libel alleged that the article was misbranded in that the statement "1 Lb. Net Wt.", borne on the label, was false and misleading.

On September 22, 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.*

22937. Adulteration and misbranding of butter. U. S. v. 2 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 32924. Sample no. 73393-A.)

This case involved butter that contained less than 80 percent of milk fat.

On June 21, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cases of butter which had been delivered to the transportation company at Seattle, Wash., on or about June 15, 1934, by the National Grocery Co., Seattle Wash., for shipment in interstate commerce to Alaska, and alleging that the article was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Blue Ribbon Brand Butter Distributed by Washington Creamery Co., Seattle, Washington."

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.

Misbranding was alleged for the reason that the statement, "Butter" on the label, was false and misleading.

On June 28, 1934, the Washington Creamery Co., 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 that the product be released to the claimant upon payment of costs, and the execution of a bond in the sum of $50, conditioned that it be reworked under the supervision of this Department.

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

22938. Adulteration and misbranding of butter. U. S. v. 19 Boxes of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable organizations. (F. & D. no. 32925. Sample no. 63175-A.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On May 23, 1934, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 boxes, each containing 30 pounds of butter, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 10, 1934, by the Beatrice Creamery Co., from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Print) "Pasteurized Meadow Gold Butter * * * Beatrice Creamery Company, Denver, Colo."

It was alleged in the libel that the article was 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.

Misbranding was alleged for the reason that the statement on the label, "Butter", was false and misleading and deceived and misled the purchaser.