22059. Adulteration and misbranding of butter. U. S. v. 335 Cartons, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. no. 31959. Sample no. 66049–A.)

This case involved a shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter established by Congress.

On January 27, 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 355 cartons, 43 boxes, and 12 tubs of butter at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about January 19, 1934, by Davis-Cleaver Produce Co., from Quincy, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The product contained in the 355 cartons was labeled in part: * * * Butter * * *."

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 March 4, 1923.

Misbranding was alleged with respect to a portion of the article for the reason that the statement "Butter", borne on the label, was false and misleading.

On February 5, 1934, Davis-Cleaver Produce Co., claimant, having admitted the allegations of the libel and 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 claimant upon payment of costs and the execution of a bond in the sum of $3,000, conditioned that it be reworked under the supervision of this Department, so that it contain at least 80 percent of milk fat.

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

22060. Adulteration of butter. U. S. v. 40 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 32388. Sample no. 59248–A.)

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

On February 15, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 boxes of butter at Quincy, Ill., alleging that the article had been shipped in interstate commerce on or about February 10, 1934, by the Davis-Cleaver Produce Co., from St. Louis, Mo., and charging adulteration 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 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 required by the act of Congress of March 4, 1923.

On February 20, 1934, the Davis-Cleaver Produce Co. having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of $200, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

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

22061. Adulteration of butter. U. S. v. 3 Barrels of Butter. Default decree of destruction. (F. & D. no. 32622. Sample no. 60875–A.)

On April 3, 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 three barrels of butter at Cincinnati, Ohio, consigned about March 24, 1934, alleging that the article had been shipped in interstate commerce by Ralph Hurst & Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

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

On April 4, 1934, no claimant having appeared for the property and the court having found that the product was spoiled and unfit for human consumption, judgment was entered ordering that it be destroyed.

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