

misbranded. It was labeled in part: "Distributed by Hunter, Walton & Co. New York, N. Y."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. Misbranding was alleged in that the statement "Butter," borne on the label, was false and misleading since the article contained less than 80 percent of milk fat.

On June 8, 1940, Kimball Creamery, claimant, having admitted the allegations of the libel, 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 of milk fat.

564. Adulteration and misbranding of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2008. Sample No. 13051-E.)

On May 11, 1940, the United States attorney for the Western District of Washington filed a libel against five cubes of butter at Seattle, Wash., alleging that the article had been in interstate commerce on or about May 7, 1940, by Latah Creamery from Moscow, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: "Walter Ely Co. Seattle, Wash. Distributors, Butter."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading since the product contained less than 80 percent of milk fat.

On May 15, 1940, Latah Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be made to comply with the law under the supervision of the Food and Drug Administration.

565. Adulteration and misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1698. Sample No. 1211-E.)

This product had a strong odor and was decomposed and otherwise unfit for food.

On March 23, 1940, the United States attorney for the District of Columbia filed a libel against 3 cases, each containing 30 pound cartons, of butter at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by the Valley Creamery & Produce Co. from Sistrerville, W. Va.; and charging that it was adulterated and misbranded. The product was labeled in part: "Land O'Hills Brand Creamery Butter Mfd. by Land O'Hills Creamery, Buckhannon, W. Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. It was also alleged to be misbranded in that the statement "Creamery Butter made from fine pasteurized cream" was false and misleading since it was wholly unacceptable as table butter, which it purported to be.

On April 17, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

566. Misbranding of butter. U. S. v. 11 Cases and 2 Cases of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1932. Sample Nos. 6189-E, 6190-E.)

A portion of this product failed to bear a label containing an accurate statement of the quantity of contents of the packages and the remaining portion was short of the weight declared on the label.

On April 3, 1940, the United States attorney for the District of New Mexico filed a libel against 13 cases of butter at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by South Plains Creamery from Littlefield, Tex.; and charging that it was misbranded. One lot was unlabeled and the remaining lot was labeled "4 oz. Net Weight" when shipped.

The article in both lots was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. One lot was alleged to be misbranded further in that it was labeled "4 oz. Net Weight," which was false and misleading since the package contained less than that quantity.

On May 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

567. Adulteration and misbranding of whipt butter. U. S. v. 11 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 1721. Sample No. 9397-E.)

This product was packed in the standard 1-pound butter carton. Air had been incorporated in it to such an extent, however, that the 8-ounce prints practically occupied the volume ordinarily occupied by 1 pound of butter. Its labeling bore false and misleading health claims.

On March 28, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 11 cases, each containing thirty 8-ounce cartons, of whipt butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 8, 1940, by the North Pole Cold Storage Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Churn-Whipt Brand Creamery Butter 8 Ounces Net Distributed by Longino & Collins New Orleans, La."

The article was alleged to be adulterated in that air had been mixed and packed with it so as to increase its bulk.

It was alleged to be misbranded in that the prominent designation on the label, "Creamery Butter," was false and misleading when applied to butter with which air had been incorporated so as to practically double its bulk. It was alleged to be misbranded further in that the statements, "good reasons for serving this good butter * * * Butter is economical * * * Butter makes good food taste better," borne on the label, were false and misleading, since they implied that the article was a product, ordinarily known as butter, in which air had not been incorporated. It was alleged to be misbranded further in that the statement "Butter builds up resistance to disease," borne on the label, regarding its therapeutic capabilities, was false and misleading.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CREAM

568. Adulteration of cream. U. S. v. One 10-Gallon and Four 5-Gallon Cans of Cream (and 11 other seizure actions involving cream). Consent decrees of condemnation and destruction. (F. D. C. Nos. 1770, 1771, 1772, 1774, 1775, 1791, 1792, 1795, 1897, 1898, 1899, 1901. Sample Nos. 6401-E, 6402-E, 6403-E, 6405-E, 6409-E, 6410-E, 6661-E, 6662-E, 6671-E, 6672-E, 6676-E, 6677-E.)

This product was in whole or in part filthy, putrid, or decomposed.

On March 6, 8, 15, 20, 22, and 27, 1940, the United States attorney for the District of Colorado filed libels against thirteen 10-gallon cans, thirteen 5-gallon cans, five 8-gallon cans, and one 3-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about March 2 to March 24, 1940, by various shippers as follows: Campbell Produce Co., Benkelman, Nebr.; Clare D. Whaley, Callaway, Nebr.; U. R. Wichern, Cody, Wyo.; H. L. Erickson, Holdridge, Nebr.; Guy M. Shafer, Clayton, N. Mex.; M. J. Ball, Hedley, Tex.; H. C. Gilliland, Joshua, Tex.; Roy Britt, Hedley, Tex.; Geo. A. Kump, Jennings, Nebr.; Mrs. Bluford C. Trusty, Grafton, Nebr.; J. A. Sterling, Potter, Nebr.; Howard McKay, Dresden, Kans.; H. A. Bohn, Athol, Kans.; John Kruse, Grinnell, Kans.; L. E. Hammerschmidt, Victoria, Kans.; John C. Schwab, Deaver, Wyo.; F. W. Barlow, Melrose, N. Mex.; Mrs. Myrl Bloom, Paxton, Nebr.; H. J. Langdon, Selden, Kans.; A. L. Bangert, Big Springs, Nebr.; Co-Op Union Merc. Co., Black Wolf, Kans.; Mrs. Alice Engle, Billings, Mont.; F. J. Farrell, Hartley, Nebr. (from Lebanon, Nebr.); L. L. Heard, Hartley, Tex. (from Channing, Tex.); J. H. Blakesley, Thermopolis, Wyo.; Adams Bros., Cozad, Nebr.; Kyle Johnson, Terreton, Idaho (from Hamer, Idaho); Paul Fickenscher, Gothenburg, Nebr.; M. W. Woolstrum, Garland, Wyo. (from Lovell, Wyo.).

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

The consignee having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the action.

569. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Decree of condemnation and destruction. (F. D. C. No. 664. Sample No. 81020-D.)

This product was filthy and decomposed.

On September 25, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against two 10-gallon cans of cream at Pittsburgh,