

the trial for the purpose of presenting evidence concerning the validity of the butyric acid test or the results of any chemical tests to be made by the claimant, or (b) to have a retrial of all of the issues in the matter. The claimant subsequently elected to reopen the trial for the purpose of presenting additional evidence and in accordance with such election the court entered an order, on 3-31-59, setting the case down for further trial on 4-30-59. The reopening of the trial was subsequently postponed. On 6-13-60, the claimant withdrew its claim and answer for the reason that the article under seizure was of small value and may have deteriorated by reason of the length of time which had elapsed since its manufacture. On 6-14-60, the court entered a default decree of condemnation and destruction.

26891. Butter. (F.D.C. No. 43509. S. Nos. 14-565 R, 14-567 R, 14-569/70 R, 15-971/2 R, 15-974/6 R.)

QUANTITY: 48 30-lb. cases, and 10 40-lb. cases, at Louisville, Ky.

SHIPPED: Between 10-1-59 and 10-29-59, from Lanesville, Ind., by Lanesville Creamery Co.

LABEL IN PART: (Box) "Packed for the Klarer Company, Louisville, Ky. * * * Klarer Creamery Butter."

RESULTS OF INVESTIGATION: Analysis showed part of the article to be made from decomposed cream, and part to be deficient in milk fat.

LIBELED: 4-4-60, W. Dist. Ky.

CHARGE: 402(a)(3)—when shipped, a portion of the article contained a decomposed substance; and 402(b)(2)—in certain portions of the article a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 6-29-60. Consent—claimed by Henry J. Fachinger, t/a Lanesville Creamery Co., and converted into butter oil.

26892. Butter. (F.D.C. No. 43735. S. No. 2-414 R.)

QUANTITY: 9 cases, 32 1-lb. rolls each, at Miami, Fla.

SHIPPED: 6-30-60, from Louisville, Ky., by Sugar Creek Creamery Co.

LABEL IN PART: "COUNTRY ROLL BUTTER Pasteurized Distributor Wilson & Co. * * * Chicago, Ill."

RESULTS OF INVESTIGATION: Analysis showed that the article was made from decomposed cream.

LIBELED: 7-19-60, S. Dist. Fla.

CHARGE: 402(a)(3)—contained a decomposed substance when shipped.

DISPOSITION: 8-30-60. Consent—claimed by Sugar Creek Creamery Co., and converted into butter oil.

26893. Butter. (F.D.C. No. 43734. S. Nos. 2-406 R, 2-408 R.)

QUANTITY: 16 cases, 32 1-lb. rolls each, and 92 cases, 12 1-lb. rolls each, at Miami, Fla.

SHIPPED: 6-6-60, from Louisville, Ky., by Sugar Creek Creamery Co.

LABEL IN PART: "COUNTRY ROLL CREAMERY BUTTER."

RESULTS OF INVESTIGATION: Analysis showed that the article was made from decomposed cream.

LIBELED: 7-19-60, S. Dist. Fla.