

6692. Adulteration and misbranding of apple butter. U. S. * * * v. 100 Cases * * * and 80 Cases * * * of Apple Butter. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 9023, 9024. I S Nos. 8959, 8960. S Nos C-885, C-886.)

On May 9, 1918, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 100 cases and 80 cases, each containing 2 dozen jars of apple butter, remaining unsold in the original unbroken packages at Leavenworth and Atchison, Kans., respectively, alleging that the article had been shipped on or about October 26, 1917, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Dawson's Brand Pure Apple Butter * * * Made by Dawson Bros Mfg. Co., Memphis, Tenn."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of decomposed vegetable matter, so packed and mixed with the product as to injure, lower, and affect its quality, purity, and strength.

Misbranding of the article was alleged in substance for the reason that [the brand or label on] the article was misleading and deceptive and calculated to induce the purchaser to believe said product to be pure, whereas, in truth and in fact, it was not.

On September 12, 1918, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*