

said bureau showed that it was an imitation strawberry preserve, consisting essentially of glucose, with some sugar, apple products, and strawberry fruit, artificially colored with red coal-tar dye.

Adulteration of the Somerset Club brand catsup and that portion of the Astoria brand catsup contained in cans was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid vegetable substance.

Adulteration of the alleged strawberry preserve was alleged for the reason that an imitation product, artificially colored, had been substituted in whole or in part for, to wit, strawberry preserves, which the said article purported to be.

Misbranding of the alleged strawberry preserve was alleged for the reason that the statement, to wit, "Preserve Strawberry," borne on the labels attached to the jars containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article was composed wholly of preserve strawberry, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of preserve strawberry, whereas, in truth and in fact, it did not so consist but did consist in whole or in part of an imitation product, artificially colored. Misbranding was alleged for the further reason that it was a product other than preserve strawberry, artificially colored and prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, preserve strawberry.

Misbranding of the portion of the Astoria brand catsup contained in bottles was alleged for the reason that the statement, to wit, "Contents 9 Ozs. Avdp.," borne on the labels attached to the bottles containing the article, regarding the said article, was false and misleading, in that it represented that each of the said bottles contained 9 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said bottles contained 9 ounces of the said article, whereas, in truth and in fact, each of said bottles did not contain 9 ounces of the article but did contain a less amount. Misbranding of the said portion of the Astoria brand catsup was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding of the fruit jams was alleged for the reason that the statement, to wit, "Contents 12 Ozs.," borne on the labels attached to the jars containing the article, regarding the said article, was false and misleading, in that it represented that each of the said jars contained 12 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said jars contained 12 ounces of the article, whereas, in truth and in fact, each of said jars did not contain 12 ounces of the article but did contain a less amount. Misbranding of the said fruit jams was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 11, 1923, a plea of guilty to the information was entered by the defendant company, and the court imposed a fine of \$450 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11852. Adulteration and misbranding of butter. U. S. v. 200 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17658. I. S. No. 6678-v. S. No. C-4069.)

On July 17, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of butter, remaining unsold in the original unbroken packages at St. Louis, Mo., consigned by John H. Stelle, from McLeansboro, Ill., alleging that the article had been shipped from McLeansboro, Ill., on or about June 7, 1923, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "One Pound Net Gold Label Butter * * * McLeansboro Creamery Co. McLeansboro, Ill."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed with and substituted wholly or in part for the said article. Adulteration was alleged

for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted therefrom.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Butter," was false and misleading and deceived and misled the purchaser.

On September 18, 1923, John H. Stelle, McLeansboro, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of the court was entered adjudging the product to be liable to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11853. Adulteration of butter. U. S. v. 100 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17661. I. S. No. 448-v. S. No. E-4440.)

On or about July 24, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Farmers Cooperative Creamery, Hector, Minn., on or about June 6, 1923, and transported from the State of Minnesota into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in whole or in part abstracted from the article.

On September 25, 1923, the Minnesota Cooperative Creameries Assoc., Inc., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,700, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory to be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11854. Misbranding of gray shorts. U. S. v. 600 Sacks of Alleged Gray Shorts. Decree of condemnation entered providing for release of product under bond to be relabeled. (F. & D. No. 17680. I. S. No. 7923-v. S. No. W-939.)

On or about August 4, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 sacks of alleged gray shorts at Los Angeles, Calif., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., on or about May 17, 1923, and transported from the State of Missouri into the State of California, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 lbs. net when packed imitation Wheat Gray Shorts & Ground Wheat Screenings not exceeding 8%. Manufactured by Heart Of America Flour Mills Kansas City, Mo. Protein, not less than 16.00% Fat, not less than 3.50% Crude Fibre, not more than 10.00% Carbohydrates, not less than 50.00% Ingredients: Wheat Gray Shorts, Flour * * * Wheat Bran and Ground Wheat Screenings."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the labels were false and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 4, 1923, the case having come on for final disposition before the court, a decree of condemnation was entered, and it was ordered by the