

that each of the said jars contained 6½ ounces thereof, 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 pure apple jelly and that each of the jars contained 6½ ounces thereof, whereas it did not consist wholly of pure apple jelly but did consist of a product composed in part of pectin jelly and containing added phosphoric acid and each of the said jars did not contain 6½ ounces net weight of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and 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.

On October 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13612. Adulteration of canned cherries. U. S. v. 750 Cases of Canned Cherries. Default decree, adjudging the product to be adulterated and ordering its destruction. (F. & D. No. 19929. I. S. No. 20969-v. S. No. W-934.)

On March 25, 1925, 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 750 cases of canned cherries, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Thomas J. Sweet Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 20, 1924, and transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Bi-More Brand Red Pitted Cherries * * * Packed By The Thos. J. Sweet Co., Albion, Orleans Co., N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On April 27, 1925, no claimant having appeared for the property, a decree of the court was entered, adjudging the product to be adulterated and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13613. Misbranding of molasses. U. S. v. 8 Cases and 6 Cases of Molasses. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15773. I. S. Nos. 17017-t, 17018-t. S. No. E-3804.)

On March 16, 1922, the United States attorney for the Western District of Virginia, 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 8 cases, each containing 6 cans, and 6 cases, each containing 12 cans, of molasses, remaining in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by the Blackman-Morris Co., New Orleans, La., on or about November (7), 1921, and transported from the State of Louisiana into the State of Virginia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Morris Sugar House Brand Pure New Orleans Molasses * * * Packed By Blackman-Morris Co., New Orleans, La. * * * Number 10 Net Average Weight 9 lbs. 8 oz." (or "Number 5 Net Average Weight 5 lbs. 2 oz.").

Misbranding of the article was alleged in the libel for the reason that a portion of the cans were branded "Net Average Weight 9 lbs. 8 oz.," and the remainder of the cans were branded "Net Average Weight 5 lbs. 2 oz.," whereas the said cans actually contained less than the quantities declared on the respective labels.

On August 1, 1922, the Blackman-Morris Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled according to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*