

**13829. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20378. I. S. No. 5423-x. S. No. E-5482.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, 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 14 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by C. C. Ladd, from Brooksville, Me., August 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**13830. Misbranding of dates. U. S. v. John R. Fiorita Co. Plea of guilty. Fine and costs, \$50. (F. & D. No. 19636. I. S. No. 22847-v.)**

On May 1, 1925, 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 an information against John R. Fiorita Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 6, 1924, from the State of Missouri into the State of Illinois, of quantities of sugar rolled dates which were misbranded. The article was labeled in part: "For-Eta \* \* \* 25 lbs. Net Weight When Packed Sugar Rolled Hallowi Dates John R. Fiorita Company St. Louis, Mo."

Examination by the Bureau of Chemistry of this department of 4 packages showed an average net weight of 23 pounds 5.85 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "25 lbs. Net Weight When Packed," borne on the cases containing the said article, was false and misleading in that the said statement represented that the said cases each contained 25 pounds 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 the cases each contained 25 pounds of the article, whereas each of said cases did not contain 25 pounds of the said article but did contain less than 25 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in that the packages contained less than represented.

On September 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment in the amount of \$50, which included fine and costs.

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

**13831. Adulteration and alleged misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20301. I. S. No. 1359-x. S. No. C-4776.)**

On July 10, 1925, the United States attorney for the Northern District of Illinois, 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 23 tubs of butter, remaining in the original packages at Chicago, Ill., alleging that the article had been shipped by the Hibbing Creamery, from Hibbing, Minn., July 1, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

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

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not marked on the outside of the package.

On July 30, 1925, the Hibbing Creamery Co., Hibbing, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to raise the butter-fat content to not less than 80 per cent.

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

**13832. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20374. I. S. No. 5418-x. S. No. E-5477.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, 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 9 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Foster D. James, from Rockland, Me., August 19, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**13833. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20377. I. S. No. 5421-x. S. No. E-5480.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, 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 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Ralston H. Means, from Brooklin, Me., August 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**13834. Adulteration and misbranding of canned oysters. U. S. v. 165 Cases and 162 Cases of Canned Oysters. Product relabeled and released to claimants. (F. & D. Nos. 20283, 20284. I. S. Nos. 4216-x, 4217-x. S. No. C-4788.)**

On or about July 28, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 327 cases of canned oysters, at Pine Bluff, Ark., consigned in interstate commerce by Aughinbaugh Canning Co., from Biloxi, Miss., alleging that the article had been shipped January 2, 1925, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nigger Head Brand Oysters, Contains 5 Oz. Oyster Meat. Distributed By Aughinbaugh Canning Co. Of Baltimore \* \* \* Md."

It was alleged in the libels that the article violated section 7 of the act, paragraphs 1 and 2, in that excessive water or brine had been mixed and packed with and substituted wholly or in part for the said article.