

and condemnation of 13 cases of canned cherries, remaining in the original and unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Fredonia Preserving Co., of Fredonia, N. Y., into the State of Connecticut, on or about August 1, 1924, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Fedora Brand First Quality Pitted Cherries Contents 6 Lbs. 12 Oz. Packed By Fredonia Preserving Co. Main Office Fredonia, Chautauqua 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.

Misbranding was alleged in substance for the reason that the labels on the cases containing the article were of such character as to induce the purchaser to believe that the packages (cans) contained 6 pounds and 12 ounces of the said article, when, in truth and in fact, they did not, and 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 package.

On April 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.*

14042. Adulteration of butter. U. S. v. 236 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20450. I. S. No. 1920-x. S. No. C-4818.)

On September 2, 1925, the United States attorney for the Southern District of Ohio, 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 236 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Lakeville Creamery Co., Lakeville, Minn., alleging that the article had been shipped in interstate commerce from Lakeville, Minn., into the State of Ohio, 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 product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

On September 19, 1925, the Lakeville Creamery Co., Lakeville, Minn., claimant, having admitted the allegations of the libel and having 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 \$500, in conformity with section 10 of the act, conditioned in part that it be reworked in a manner satisfactory to this department.

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

14043. Adulteration of butter. U. S. v. 300 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20451. I. S. No. 1919-x. S. No. C-4818.)

On September 2, 1925, the United States attorney for the Southern District of Ohio, 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 300 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, alleging that the article had been shipped by Kirschbraun & Sons Co., from Omaha, Nebr., and transported from the State of Nebraska into the State of Ohio, 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 product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

On September 19, 1925, Kirschbraun & Sons (Inc.), Omaha, Nebr., claimant, having admitted the allegations of the libel and having 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked in a manner satisfactory to this department.

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

14044. Adulteration and misbranding of jelly. U. S. v. 39 Dozen Jars, et al., of Jelly. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 19561. I. S. Nos. 16301-v, 16302-v, 16373-v, 16374-v, 16375-v. S. No. E-5129.)

On February 9, 1925, the United States attorney for the Eastern District of North Carolina, 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 191 dozen jars of jelly, remaining in the original unbroken packages at Greenville, N. C., consigned by the Shenandoah Valley Apple Cider & Vinegar Co., alleging that the article had been shipped from Winchester, Va., on or about October 9, 1924, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part, variously: (Jar) "Apple Pie Ridge * * * Apple-Raspberry Flavor" (or "Apple" or "Apple-Cherry Flavor" or "Apple-Strawberry Flavor" or "Apple-Blackberry Flavor") "Jelly Pure Cane Sugar And Apple Pectin. Shenandoah Valley Cider & Vinegar Co. Winchester, Va."

Adulteration of the article was alleged in the libel for the reason that a substance, pectin and sugar, had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality and strength, and for the further reason that a substance, pectin jelly, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Apple Raspberry Flavor Jelly," "Apple Jelly," "Apple-Cherry Flavor Jelly," "Apple-Strawberry Flavor Jelly," and "Apple-Blackberry Flavor Jelly," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 25, 1925, the Shenandoah Valley Cider & Vinegar Co., Winchester, Va., 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 \$200, in conformity with section 10 of the act.

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

4045. Adulteration and misbranding of canned oysters. U. S. v. 180 Cases, et al., of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20523 to 20527, incl., 20533. I. S. Nos. 561-x, 562-x, 564-x, 565-x. S. Nos. W-1799, W-1800.)

On or about October 20, 27 and 28, 1925, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 880 cases of canned oysters, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from Biloxi, Miss., in part on or about March 10, 1925, and in part on or about March 14, 1925, and transported from the State of Mississippi into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled, variously: "Pedigree Brand Oysters Contains 5 Oz. Packed By C. B. Foster Packing Co., Inc., Biloxi, Miss."; "Craig's (Formerly Padlock) Brand Oysters Packed for R. L. Craig & Co. Los Angeles, Cal. This Can Contains 5 Oz. Oyster Meat"; "Saratoga Brand Oysters Net Weight Oyster Meat 5 Oz. Packed For Simpson-Ashby Co. Los Angeles, Calif."

Adulteration of the article was alleged in the libels for the reason that excessive water or brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and in that water or brine had been substituted wholly or in part for the food constituents.