14199. Adulteration of canned cherries. U. S. v. 100 Cases and 100 Cases of Red Sour Pitted Cherries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19934, 19935. I. S. No. 24589-v. S. No. C-5010.)

On March 27, 1925, the United States attorney for the Eastern District of Michigan, 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 200 cases of red sour pitted cherries, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Red Wing Co., Inc., from Fredonia, N. Y., August 22, 1924, and transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Red Sour Pitted Cherries * * * Manufactured And Guaranteed By The Red Wing Company Incorporated Fredonia, N. Y."

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

On February 3, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

14200. Adulteration of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20915. I. S. No. 10608-x. S. No. W-1903.)

On or about February 18, 1926, the United States attorney for the Northern 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 12 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by E. W. Ellis, from Portland, Oreg., February 4, 1926, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Rubber stamp) "E. W. Ellis Terminal Ice & Cold Storage Bldg. 23 Portland, Ore."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, namely, butterfat, had been in part abstracted.

On March 4, 1926, the Mutual Creamery Co., San Francisco, Calif., having appeared as claimant for the property 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 $450, conditioned in part that it be brought into conformity with the law under the supervision of this department.

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