

On April 28, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14278. Adulteration and misbranding of jams. U. S. v. 5 Cases of Assorted Jams, et al. Products released under bond to be relabeled.
(F. & D. No. 20147. I. S. Nos. 14637-v to 14642-v, incl. S. No. W-1729.)

On July 6, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of assorted jams, 6 cases of strawberry jam, and 3 cases of raspberry jam, remaining in the original unbroken packages at Ogden, Utah, alleging that the articles had been shipped by the Oest Fruit Co., from San Francisco, Calif., on or about April 15, 1925, and transported from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Scowcroft's Kitchen King Brand Pure Fruit Jam Loganberries" (or "Raspberries" or "Apricots" or "Strawberries" or "Blackberries" or "Peaches") "Apple Juice & Sugar John Scowcroft & Sons Co., Ogden, Utah."

Adulteration of the articles was alleged in the libel for the reason that a substance, apple juice and excessive sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and for the further reason that compound jams consisting of apple juice, sugar, and fruit had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements borne on the labels, "Pure Fruit Jam Loganberries Apple Juice & Sugar," "Raspberries Apple Juice & Sugar," "Apricots Apple Juice & Sugar," "Strawberries Apple Juice & Sugar," "Blackberries Apple Juice & Sugar," "Peaches Apple Juice & Sugar," "John Scowcroft & Sons Co., Ogden, Utah," were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were sold under the distinctive names of other articles.

On May 8, 1926, the Oest Fruit Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, paid the costs of the proceedings, and executed a bond in the sum of \$200, in conformity with section 10 of the act, a decree was entered, finding the products adulterated and misbranded, and it was ordered by the court that the said products be released to the claimant for the purpose of reshipment to San Francisco, Calif., for relabeling under Government supervision.

W. M. JARDINE, *Secretary of Agriculture.*

14279. Adulteration of canned cherries. U. S. v. 47 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 19871. I. S. No. 8998-v. S. No. C-5007.)

On March 16, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 cases of canned cherries, remaining in the original unbroken packages at Louisville, Ky., consigned by the Stittville Canning Co., North East, Pa., alleging that the articles had been shipped from North East, Pa., on or about August 19, 1924, and transported from the State of Pennsylvania into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Empire State Brand Pitted Red Cherries in Juice Packed By Stittville Canning Co. Principal Office Utica, 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, since it contained excessive unfit foreign matter.

On February 6, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*