

the District Court of the United States for said district a libel praying seizure and condemnation of 85 sacks of Corno stock feed, at Asheville, N. C., alleging that the article had been shipped by the Corno Mills Co., East St. Louis, Ill., September 28, 1925, and transported from the State of Illinois into the State of North Carolina, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded, in that the label bore the statement "Guaranteed Analysis: Protein 10.00 Fat 4.00 Fibre 15.00," which was false and misleading and deceived and misled the purchaser. 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.

On September 1, 1926, the Corno Mills Co., East St. Louis, Ill., having appeared as claimant for the property, judgment of 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, conditioned in part that it be reconditioned and relabeled under the supervision of this department.

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

14649. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21291. I. S. No. 7199-x. S. No. E-5855.)

On August 30, 1926, the United States attorney for the Southern District of New York, 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 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Deer River Creamery Co., Deer River, Minn., on or about August 16, 1926, and transported from the State of Minnesota into the State of New York, 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 a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 20, 1926, Joseph J. Herold, New York, N. Y., 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 \$1,000, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

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

14650. Adulteration of pears. U. S. v. 532 Boxes of Pears. Default order of destruction entered. (F. & D. No. 21236. S. No. C-5206.)

On August 12, 1926, 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 seizure and condemnation of 532 boxes of pears, at Chicago, Ill., alleging that the article had been shipped by the Suncrest Orchards, from Voorhies, Oreg., July 22, 1926, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained an excessive amount of a poisonous substance, to wit, arsenic, which might have rendered it injurious to health.

On August 27, 1926, it having appeared to the court that the product was of a perishable character, was rapidly deteriorating in quality and was in a condition to constitute a nuisance, upon petition of the United States attorney the court ordered the said product destroyed by the United States marshal.

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