

been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted, and for the further reason that it contained less than 80 per cent of butterfat.

On August 2, 1926, the Rapid River Cooperative Creamery Co., Gladstone, Mich., 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 reprocessed to raise the percentage of butterfat to not less than 80 per cent.

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

14670. Adulteration and misbranding of black pepper. U. S. v. 17 Cases of Ground Black Pepper. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 21188. I. S. No. 8507-x. S. No. C-5185.)

On July 20, 1926, 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 17 cases of ground black pepper, at Louisville, Ky., alleging that the article had been shipped by the Biston Coffee Co., from East St. Louis, Ill., on or about May 14, 1926, and transported from the State of Illinois into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Black Pepper."

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

It was further alleged in the libel that the article was misbranded, in that it was an imitation and was offered for sale under the distinctive name of another article, in that it was labeled so as to deceive or mislead the purchaser, and in that the package containing the said article bore a statement regarding the ingredients or substances contained therein which was false and misleading.

On October 25, 1926, the claimant, Johnston Bros. Co., Louisville, Ky., having consented to the entry of a decree, judgment of condemnation 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.*

14671. Misbranding of olive oil. U. S. v. 14 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20123. I. S. No. 24550-v. S. No. E-5338.)

On June 18, 1925, the United States attorney for the District of Connecticut, 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 14 cans of olive oil, remaining in the original unbroken packages at Hartford, Conn., alleging that on or about June 1, 1925, the article had been delivered for shipment into the State of Connecticut, by the Reliable Importing Co., New York, N. Y., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "0.98 Of One Gallon Or 7½ Lbs. Net Olio D'Oliiva Puro Importato."

Misbranding of the article was alleged in the libel for the reason that the statements borne on the can label, to wit, "0.98 Of One Gallon Or 7½ Lbs. Net," were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On September 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.*

14672. Adulteration of canned salmon. U. S. v. 575 Cases of Salmon. Consent decree, finding product adulterated and ordering its release under bond. (F. & D. No. 18259. I. S. No. 7426-v. S. No. C-4260.)

On January 2, 1924, the United States attorney for the Western District of Missouri, 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 575 cases of canned salmon, remaining in the original unbroken packages at Clinton, Mo., alleging that the article had been shipped by F. A. Gosse & Co., Seattle, Wash., on or about November 8, 1923, and transported from the State of Washington into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pink Rose Brand Choicest Pink Choice Alaska Salmon Pink * * * Distributed By F. A. Gosse & Co. Seattle, * * * Vancouver, Canada."

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

On September 29, 1926, F. A. Gosse & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of judgment for the condemnation and forfeiture of the property, a decree was entered, finding the product adulterated, and it was ordered by the court that the said product be released to the 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 salvaged under the supervision of this department.

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

14673. Adulteration of cherries. U. S. v. 234 Baskets of Cherries. Default order of destruction entered. (F. & D. No. 21207. I. S. No. 6367-x. S. No. E-5841.)

On July 30, 1926, the United States attorney for the Eastern District of Pennsylvania, 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 234 baskets of cherries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by F. A. Williams, Hector, N. Y., alleging that the article had been shipped from Hector, N. Y., on or about July 27, 1926, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it contained an added poisonous ingredient which might have rendered it injurious to health.

On August 13, 1926, it having appeared to the court that the product had become so decomposed as to be injurious to the public health, judgment was entered, ordering that it be destroyed by the United States marshal.

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

14674. Adulteration and misbranding of cherries. U. S. v. 60 Baskets and 19 Baskets of Cherries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21250, 21258. I. S. Nos. 6381-x, 6382-x. S. Nos. E-5799, E-5853.)

On August 20 and 24, 1926, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 79 baskets of cherries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Uri Shumway, Hector, N. Y., alleging that the article had been shipped from Hector, N. Y., in two consignments, on or about August 17 and 18, 1926, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated, in that it contained an added poisonous ingredient which rendered it injurious to health.

Misbranding was alleged for the 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 September 29, 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.

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