

alleging that the article had been shipped from Culpepper, Va., on or about July 13, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

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

On July 27, 1927, the Monticello Dairy Co., having appeared as claimant for the property, 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 not be sold or otherwise disposed of contrary to law, and that it be reconditioned under the supervision of this department.

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

15299. Adulteration and misbranding of macaroni. U. S. v. 19 Boxes and 148 Boxes of Bologna Style Macaroni. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21219, 21224. I. S. Nos. 7580-x, 13628-x, 13629-x. S. Nos. E-5843, E-5844.)

On August 9, 1926, the United States attorney for the District of New Jersey, 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 167 boxes of macaroni, in part at Paterson, N. J., and in part at Newark, N. J., alleging that the article had been shipped by the Atlantic Macaroni Co., Inc., Long Island City, N. Y., in various consignments, on or about February 17, April 19, June 3, June 6, June 22, July 3, and July 19, 1926, respectively, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Bologna Style Farfallone (or 'Farfalle') * * * Artificially Colored."

It was alleged in the libels that the article was adulterated, in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article.

On July 26, 1927, 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.*

15300. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 21303. I. S. No. 8240-x. S. No. E-5870.)

On October 1, 1926, the United States attorney for the District of New Jersey, 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 50 cases of canned cherries, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by the Newfane Preserving Co., Newfane, N. Y., on or about July 24, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pennant Brand New York State Pitted, Red Cherries. Contents 6 Lbs. 9 Oz. Packed by Newfane Preserving Company, Newfane, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Contents 6 Lbs. 9 Oz.," borne on the label, was 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.

On May 28, 1927, 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.*