

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

On January 4, 1928, the Garcia & Maggini Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation 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 should not be used or disposed of contrary to the Federal food and drugs act, nor as food for human beings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15793. Adulteration of canned cherries. U. S. v. 499½ Cases of Cold Pack Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22696. I. S. No. 23871-x. S. No. 730.)

On April 5, 1928, the United States attorney for the Southern District of Ohio, 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 499½ cases of cold pack cherries at Dayton, Ohio, consigned by R. M. Mesler, Inc., Medina, N. Y., about February 13, 1928, alleging that the article had been transported in interstate commerce from Medina, N. Y., into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bespie Cherries Cold Packed * * * Red Sour Pitted, Packed by R. M. Mesler, Inc. Medina, N. Y."

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

On June 30, 1928, Dailey Bros., Inc., 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 \$10,000, conditioned in part that it be salvaged under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15794. Adulteration and misbranding of vinegar. U. S. v. 15 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22450. I. S. No. 19909-x. S. No. 515.)

On February 10, 1928, the United States attorney for the Southern 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 15 cases of vinegar, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped from the Yancy Vinegar Co., St. Louis, Mo., on or about October 29, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Apple Cider Vinegar * * * Yancy Vinegar Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a vinegar made from evaporated apple products had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 3, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to condemnation and confiscation, and it was ordered by the court that the product be destroyed by the United States marshal, and the containers and cases sold.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15795. Adulteration and misbranding of vinegar. U. S. v. 17 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22459. I. S. No. 19915-x. S. No. 559.)

On February 15, 1928, the United States attorney for the Southern 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 17 cases of vinegar, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped from the National Vinegar Co., St. Louis, Mo., on or about March 31, 1927, and transported from the State

of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Target Brand Evaporated Apple Vinegar * * * 40 Grain National Gro. Sundries Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a colored distilled vinegar, with water, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the bottle label, "Evaporated Apple Vinegar" and "40 Grain," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 3, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and condemnation, and it was ordered by the court that the said product be destroyed by the United States marshal, and the cases and containers sold.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15796. Adulteration of butter. U. S. v. 6 Cubes, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22872, 22874. I. S. Nos. 22172-x, 22178-x. S. Nos. 887, 905.)

On or about June 14 and June 20, 1928, respectively, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 16 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the National Park Creamery, Rexburg, Idaho, in part on or about May 31, 1928, and in part on or about June 5, 1928, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 21, and June 22, 1928, respectively, the National Park Creamery, Rexburg, Idaho, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$480, conditioned in part that it be made to conform with the law, under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15797. Adulteration and misbranding of butter. U. S. v. 28 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22873. I. S. No. 20199-x. S. No. 903.)

On June 25, 1928, 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 28 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Freeport Cooperative Creamery Co., Freeport, Ohio, alleging that the article had been shipped from Freeport, Ohio, on or about June 22, 1928, and transported from the State of Ohio 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 in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

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 June 28, 1928, C. M. Drake, Philadelphia, Pa., 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 said claimant upon