

mislead the purchaser into the belief that each of said packages contained 2 pounds of butter, whereas said packages did not each contain 2 pounds of butter, but did contain in each of a number thereof a less quantity. Misbranding was alleged for the further 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 February 29, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$45.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15894. Adulteration and alleged misbranding of black pepper. U. S. v. 36 Boxes and 11 Pails of Black Pepper. Product ordered released under bond. (F. & D. No. 22382. I. S. No. 18856-x. S. No. 454.)

On January 20, 1928, the United States attorney for the District of Indiana, 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 36 boxes and 11 pails of black pepper, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., in part on or about September 15, 1927, and in part on or about November 4, 1927, and transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gilt Edge Black Pepper."

It was alleged in the libel that the article was adulterated in that a corn product and a substance high in crude fibre had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for black pepper. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Ground Black Pepper," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 5, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having admitted the adulteration of the product, 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 \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15895. Adulteration of canned cherries. U. S. v. 27 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22068. I. S. No. 16670-x. S. No. 106.)

On September 27, 1927, the United States attorney for the Western 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 27 cases of canned cherries, remaining in the original unbroken packages at Oil City, Pa., alleging that the article had been shipped by the Red Wing Co., Inc., from Fredonia, N. Y., on or about August 9, 1927, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Red Sour Pitted Cherries * * * Manufactured and Guaranteed by the Red Wing Co. Incorporated, Fredonia, 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, and putrid vegetable substance.

On July 10, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15896. Adulteration and misbranding of chocolate-covered cherries. U. S. v. 28 Dozen Boxes of Chocolate-Covered Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22277. I. S. No. 21661-x. S. No. 316.)

On or about January 4, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the