

costs and the execution of bonds totaling \$1,305, the terms of said bonds requiring that the product be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16672. Adulteration and misbranding of assorted jellies. U. S. v. 4½ Cases of Gold Medal Jelly, et al. Consent decrees of condemnation and destruction. (F. & D. Nos. 23192 to 23197, incl. I. S. Nos. 01008, 01009, 01010, 01013, 01014, 01195, 01196, 01197, 01198. S. Nos. 1292 to 1297, incl.)

On or about November 19, November 20, and November 22, 1928, respectively, the United States attorney for the District of Kansas, 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 29 cases and 49½ dozen jars of jellies, in various lots at Topeka, Kansas City, Wichita, and Lawrence, Kans., respectively, alleging that the articles had been shipped by the Kansas City Syrup & Preserving Co., from Kansas City, Mo., between the dates of September 8, 1928 and September 24, 1928, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the articles were labeled in part: (Jars) "Good Value Brand, Apple Pectin Jelly Currant (or "Raspberry" or "Grape") Flavor * * * Contents 16 Oz." The remainder of the said articles were labeled in part: (Jars) "Gold Medal Apple Pectin Currant (or "Grape," "Raspberry," "Strawberry," or "Cherry") Jelly Net Weight 6 Oz. (or "Net Weight 1 Lb.") Packed by Kansas City Syrup & Preserving Co., Kansas City, Mo." A portion of the said Gold Medal jellies bore the further statement on the jar label: "Fruit Acid And Color Added."

It was alleged in substance in the libels that the articles were adulterated in that they contained little or no fruit and were artificially colored and flavored, and contained tartaric acid and pectin.

It was further alleged in the libels that the articles were misbranded in that they were imitations of other articles, and in that the labels were false and misleading and deceived the purchaser. Misbranding was alleged with respect to the Good Value jellies, the Gold Medal jellies in 1-pound jars, and a portion of the Gold Medal jellies in 6-ounce jars for the further reason that they were short weight, and in that the quantity of the contents of the packages was not plainly and conspicuously marked on the outside of the packages.

No charge of short weight was recommended by this department against the 6-ounce jars of Gold Medal jellies.

On February 8, 1929, by consent of the claimant, the Kansas City Syrup & Preserving Co., Kansas City, Mo., judgments of condemnation were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16673. Adulteration and misbranding of butter. U. S. v. 161 Cases of Butter. Product ordered released upon deposit of collateral. (F. & D. No. 22809. I. S. No. 17975-x. S. No. 823.)

On May 8, 1928, the United States attorney for the Southern District of California, 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 161 cases of butter, remaining in the original unbroken packages at Riverside, Calif., consigned by the Arrow Creamery Co., Salt Lake City, Utah, alleging that the article had been shipped from Salt Lake City, Utah, on or about May 4, 1928, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases) "Thirty" and "Quarters," (Cartons) "One Pound Net."

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

Misbranding was alleged for the reason that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, since the package contained less than that 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 conspicu-

ously marked on the outside of the package, since the quantity stated on the package was not correct.

On May 24, 1928, H. Peterson, trading as the Arrow Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the deposit of \$500 as surety that the said product should not be sold or otherwise disposed of contrary to law. On July 5, 1928, the product having been reconditioned satisfactorily to this department, final decree of release was entered and the bond ordered exonerated.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16674. Adulteration of tomato paste. U. S. v. 49 Barrels of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23579. I. S. No. 03682. S. No. 1827.)

On April 4, 1929, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 49 barrels of tomato paste, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the La Sierra Heights Can (Canning) Co., Los Angeles, Calif., on or about March 20, 1929, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Progressive It. Imp. Co. Brooklyn, 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 May 14, 1929, 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.*

16675. Adulteration of butter. U. S. v. H. C. Christians Co. Plea of nolo contendere. Fine, \$100. (F. & D. No. 22542. I. S. Nos. 13327-x, 16309-x.)

On March 23, 1928, 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 an information against the H. C. Christians Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in part on or about July 18, 1927, and in part on or about July 25, 1927, from the State of Illinois into the State of Maryland, of quantities of butter which was adulterated.

It was alleged in the information that the article was adulterated in that a substance purporting to be butter, but which was not butter, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On April 23, 1929, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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