

at Hastings, Minn., alleging that the article had been shipped by Lyle Randall, from River Falls, Wis., in two consignments, on or about September 8 and September 9, 1930, and had been transported from the State of Wisconsin into the State of Minnesota, 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 consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 9, 1930, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17821. Adulteration of butter. U. S. v. 13 Boxes of Butter. Product released under bond to be reworked. (F. & D. No. 25277. I. S. No. 13405. S. No. 3510.)

Samples of butter from the herein-described interstate shipment having been found to contain less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On October 9, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 13 boxes of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Milk River Creamery Co., from Chinook, Mont., on or about September 20, 1930, and transported from the State of Montana into the State of Minnesota, 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 less than 80 per cent of fat, the legal minimum standard.

On October 14, 1930, the Minnesota Creamery Co., St. Paul, Minn., claimant, having consented to the forfeiture and condemnation of the property, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17822. Adulteration and misbranding of jellies. U. S. v. The C. Von Allmen Preserving Co. Plea of guilty. Fine, \$300. (F. & D. No. 23761. I. S. Nos. 01687, 01688, 01768, 01769, 05351, 05352, 05353.)

Samples of jellies from the herein-described interstate shipments having been found deficient in fruit juice and containing added tartaric acid and pectin, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Kentucky.

On July 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the C. Von Allmen Preserving Co., Louisville, Ky., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about August 20, 1928, November 12, 1928, and November 23, 1928, from the State of Kentucky into the State of Ohio, of quantities of raspberry, blackberry, currant, and grape jellies which were adulterated and misbranded. The articles were labeled in part: "Von Allmen's Pure Extra Quality Raspberry [or other fruit] Jelly * * * Manufactured by the C. Von Allmen Preserving Co. Incorporated, Louisville, Ky."

It was alleged in the information that the articles were adulterated in that products deficient in fruit juice, and which contained added tartaric acid and pectin, had been substituted in whole and in part for pure raspberry jelly, blackberry jelly, currant jelly, and grape jelly, as the case might be, which the articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to raspberry, blackberry, currant, and grape jellies, to wit, products deficient in fruit juice, and had been mixed with added tartaric acid and pectin so as to simulate the flavor and appearance of pure fruit jellies, and in a manner whereby inferiority to pure fruit jellies was concealed.

Misbranding was alleged for the reason that the statements, "Pure Extra Quality Raspberry Jelly," "Pure Extra Quality Blackberry Jelly," "Pure Extra Quality Currant Jelly," and "Pure Extra Quality Grape Jelly," borne on the labels attached to the pails containing the articles, were false and misleading in that the said statements represented that the articles were pure fruit jellies; and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure fruit jellies,

whereas they were not, but were products deficient in fruit juice and containing added tartaric acid and pectin. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On December 30, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17823. Adulteration of cheese. U. S. v. 7 Boxes, et al., of Cheese. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24703, 24718. I. S. Nos. 030629, 030825. S. Nos. 3045, 3063.)

Samples of cheese from the herein-described interstate shipments having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On April 11, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of seven boxes of twin daisies cheese and 26 cheeses, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Bright Cheese Co., from Atwood, Wis., in two consignments on or about March 10 and March 12, 1930, respectively, and had been transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "J. S. Hoffman Co. * * * Chicago."

It was alleged in the libels that the article was adulterated in that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article.

On November 24, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17824. Misbranding of coffee. U. S. v. 390 Cans of Coffee. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 25095. I. S. Nos. 512, 513, 514. S. No. 3379.)

Sample cans of coffee from the herein-described interstate shipment having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On September 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 390 cans of coffee, remaining in the original packages at Roswell, N. Mex., alleging that the article had been shipped by the Early Coffee Co., Denver, Colo., on or about May 20, 1930, and transported from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Early Breakfast Steel Cut Coffee Full Pound [or "Three Pounds"] Net Weight The Early Coffee Company, Denver, Colorado."

It was alleged in substance in the libel that the article was misbranded in that the statements on the can labels, "Three Pounds Net Weight" and "Full Pound Net Weight," as the case might be, were false and misleading, since the cans contained less than the quantity so labeled thereon. 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, since the quantity stated on the package was not correct.

On November 3, 1930, the default of the intervenor, the Early Coffee Co., Denver, Colo., having been noted, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal be authorized to deliver the product to the Early Coffee Co., upon payment of costs and the execution of a bond in the sum of \$250, conditioned that it be reweighed and relabeled under the supervision of this department; otherwise that it be relabeled to show the correct weight and sold. No claim having been entered the product was sold by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*