

4629. Adulteration of grapefruit. U. S. * * * v. 256 Boxes * * * of Grapefruit. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6979. I. S. No. 10792-1. S. No. C-372.)

On November 4, 1915, 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 a libel for the seizure and condemnation of 256 boxes, more or less, of grapefruit, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 26, 1915, and transported from the State of Florida into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it was colored in a manner whereby damage or inferiority was concealed, for the further reason that it was coated in a manner whereby damage or inferiority was concealed, and for the further reason that it was stained in a manner whereby damage or inferiority was concealed.

On December 15, 1915, John Denney, doing business as Denney & Co., having filed his claim admitting the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it appearing to the court that the article might be relabeled and sold again not in violation of the Food and Drugs Act, it was ordered that the United States marshal should cause the tissue-paper wrapper bearing the trade-mark "Florida Grapefruit, Osprey Brand Quality, Grade & Pack, Lambart & Crews, Packers Shippers" to be removed from each of the grapefruit and should cause a quantity of wrappers to be prepared bearing the following statement, "Colored by sweating," in printed letters not less than three-fourths of an inch in height and one-half inch in width, and should place one of such wrappers around each of the grapefruit instead of the wrapper bearing the trade-mark aforesaid, and should cause to be placed upon the outside of each of the boxes a printed label bearing the words "Colored by Sweating," each of the letters composing the label to be not less than one and one-half inches in height and three-fourths inch in width, and it was further ordered that upon the United States marshal complying with the terms of the decree as aforesaid and upon said claimant paying all the costs of the proceedings and the execution of bond in the sum of \$1,000, in conformity with section 10 of the act, the United States marshal should surrender and deliver the product to said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*