

11098. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16776. I. S. No. 1607-v. S. No. E-4149.)

On August 28, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by D. A. Bentley & Son, Saginaw, Mich., on or about June 27, 1922, and transported from the State of Michigan into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 6, 1922, the Goldsmith Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

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

11099. Adulteration and misbranding of butter. U. S. v. 117 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16799. I. S. No. 45-v. S. No. E-4165.)

On September 7, 1922, the United States attorney for the Southern District of New York, 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 117 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., consigned by the Cumberland Valley Creamery, Inc., Nashville, Tenn., alleging that the article had been shipped on or about June 28, 1922, and transported in interstate commerce into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On October 28, 1922, the Cumberland Valley Creamery, Inc., Nashville, Tenn., claimant, having admitted the allegations of the libel and 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 \$2,000, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision of and to the satisfaction of this department.

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

11100. Adulteration and misbranding of kidney beans. U. S. v. 90 Cases, et al, of Kidney Beans. Consent decrees of condemnation and forfeiture. A portion of the product ordered released under bond and the remainder destroyed. (F. & D. Nos. 12178, 12179, 12180, 12181, 12235. I. S. Nos. 7353-r, 7354-r, 7355-r, 7356-r, 7357-r, 12468-r. S. Nos. C-1758, C-1759, C-1760, C-1761, C-1762, C-1817.)

On February 19 and March 5, 1920, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 351 cases of kidney beans, remaining unsold in part at Dayton and in part at Greenville, Ohio, consigned by the George Van Camp & Sons Co., Westfield, Ind., between the dates of November 4, 1919, and January 23, 1920, alleging that the article had been shipped from Westfield, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and

Drugs Act. The article was labeled in part: "Geo. Van Camp's Special Red Kidney Beans Packed By Geo. Van Camp & Sons Co. Westfield, Ind."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the label, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and was sold under the distinctive name of another article.

On December 31, 1921, and October 28, 1922, respectively, the George Van Camp & Sons Co., Westfield, Ind., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that 340 cases of the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$400, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department, and that 11 cases of the said product be destroyed by the United States marshal.

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