

quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 24, 1923, the Aeolian Importing Corp. having appeared as claimant for the property and having filed a bond in the sum of \$75, it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, conditioned that it be properly branded to show its weight.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11834. Adulteration and misbranding of evaporated apples. U. S. v. 12 Cases and 11 Cases of Evaporated Apples. Decree ordering product released under bond to be relabeled. (F. & D. No. 17460. I. S. Nos. 1844-v, 1845-v. S. No. E-4360.)**

On April 21, 1923, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 cases of evaporated apples at Concord, N. H., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., in two consignments, namely, on or about February 10 and 24, 1923, respectively, and transported from the State of New York into the State of New Hampshire, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Weight 15 Ounces Holton Brand Fancy Evaporated Apples \* \* \* Packed By E. B. Holton, Manufacturer And Packer Of Evaporated Fruits, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, incompletely evaporated apples, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for evaporated apples, which the article purported to be.

Misbranding was alleged in substance for the reason that the statements, "Net Weight 15 Ounces \* \* \* Fancy Evaporated Apples \* \* \* Manufacturer And Packer Of Evaporated Fruits \* \* \* Manufacturer Of Pure Food Products Evaporated By The Sulphur Process," borne on the labels of the packages containing the article, were false and misleading and deceived and misled purchasers in that they represented that the said packages contained 15 ounces of the said article and that it consisted of fancy, completely evaporated apples, whereas, in truth and fact, the said packages did not contain 15 ounces of the article but did contain a less amount, and the said article was not fancy, completely evaporated apples but was a product consisting of incompletely evaporated apples. Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, since the quantity stated was not correct.

On May 9, 1923, E. B. Holton, Webster, N. Y., claimant, having admitted the allegations of the libel and filed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings, upon condition that if it should be again offered for sale it be labeled in compliance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11835. Adulteration and misbranding of butter. U. S. v. 225 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17599. I. S. No. 444-v. S. No. E-4428.)**

On July 5, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 225 tubs of butter at Jersey City, N. J., alleging that the article had been shipped by the Newton County Creamery, Newton, Miss., on or about June 6, 1923, and transported from the State of Mississippi into the State of New Jersey, 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, a product deficient in butterfat and containing 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 whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter. 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 in terms of weight, measure, or numerical count.

On September 8, 1923, Frederick F. Lowenfels, 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 \$6,000, in conformity with section 10 of the act, conditioned in part that it be shipped to the factory and reworked and reprocessed to the satisfaction of this department

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11836. Adulteration of butter. U. S. v. 400 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17643. I. S. No. 373-v. S. No. E-4442.)

On July 12, 1923, 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 praying the seizure and condemnation of 400 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the River Falls Cooperative Creamery Co., River Falls, Wis., on or about June 20, 1923, and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

On August 15, 1923, the River Falls Cooperative Creamery Co., Inc., River Falls, Wis., 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 \$10,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11837. Adulteration of water. U. S. v. 19 Cases of Healing Springs Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17681. I. S. No. 1378-v. S. No. E-4460.)

On August 9, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 cases of the Healing Springs water, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Virginia Hot Springs Co., from Hot Springs, Va., on or about July 9, 1923, and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Healing Springs Water Virginia Hot Springs Company, Healing Springs, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On September 10, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*