

broken packages at New York, N. Y., alleging that the article had been shipped by the Jesup Creamery Co., Jesup, Iowa, June 25, 1923, and transported from the State of Iowa 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 substance low in butterfat and containing excessive moisture had been mixed and packed with and substituted in part for the said article.

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

On September 28, 1923, the Phenix Cheese Co., 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 \$650, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed to the satisfaction of this department.

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

**11908. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17845. I. S. No. 784-v. S. No. E-4199.)**

On October 2, 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 360 boxes of grapefruit, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by F. C. Armstrong, Palmetto, Fla., on or about September 27, 1923, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "I. E. Springstead & Son Palmetto, Fla. Lion Brand."

Adulteration of the article was alleged in the libel for the reason that immature grapefruit, artificially colored, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration of the article was alleged for the further reason that it had been colored in a manner whereby damage or inferiority was concealed.

On October 17, 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.

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

**11909. Adulteration of shell eggs. U. S. v. 242 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17864. I. S. No 17527-v. S. No. C-4126.)**

On or about September 27, 1923, 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 praying the seizure and condemnation of 242 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the M. J. Power Co., in various consignments, namely, from Madison and Marshfield, Wis., and Yankton, S. Dak., respectively, between the dates of June 8 and July 3, 1923, and transported from the States of Wisconsin and South Dakota, respectively, into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On October 1, 1923, M. J. Power & Co., Chicago, Ill., 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

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