

12735. Adulteration and misbranding of apple jelly. U. S. v. 25 Pails, et al., of Apple Jelly. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17564, 17566, 17567. I. S. Nos. 6237-v, 6238-v, 6243-v, 6244-v. S. Nos. C-4051, C-4052, C-4053.)

On June 25, 1923, and on or about July 18, 1923, respectively, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,300 pails of apple jelly, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Best Clymer Mfg. Co., from St. Louis, Mo., in part on or about January 18, 1923, and in part on or about April 28, 1923, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled variously in part: (Pail) "Clymer's Jelly Pure-Apple;" "Wagner's Special Brand Corn Syrup Apple Jelly;" "The Triumph Brand Corn Syrup Apple Jelly."

Adulteration of the article was alleged in the libels for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and in that acidified pectin jelly had been substituted wholly or in part for the said article. It was further alleged with respect to the Wagner's Special and Triumph brands of the article that it was artificially colored.

Misbranding was alleged for the reason that the statements on the respective labels, "Jelly Pure-Apple" or "Apple Jelly," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 16 and 18, 1923, respectively, Charles P. Wagner & Bro. and J. S. Waterman & Co., Inc., both of New Orleans, La., having appeared as claimants for respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,700, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12736. Adulteration of oranges. U. S. v. 83 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18544. I. S. No. 3239-v. S. No. E-4797.)

On April 8, 1924, the United States attorney for the Eastern District of North Carolina, 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 83 boxes of oranges remaining in the original unbroken packages at Raleigh, N. C., consigned by the Leesburg Citrus Growers Assoc., Leesburg, Fla., alleging that the article had been shipped from Leesburg, Fla., and transported from the State of Florida into the State of North Carolina, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that an inedible product had been substituted wholly or in part for the said article.

On June 4, 1924, 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, *Secretary of Agriculture.*

12737. Adulteration and misbranding of butter. U. S. v. 52 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19074. I. S. No. 14010-v. S. No. E-4971.)

On September 29, 1924, 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 52 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Jaques Havens Co., Crawfordsville, Ind., on or about September 19, 1924, and transported from the State of Indiana 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 deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

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

On October 2, 1924, the Wrays Creamery, Crawfordsville, Ind., claimant, having admitted the allegations of the libel and having 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 \$1,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12738. Adulteration of Whistle soft drink beverage. U. S. v. Samuel Farber. Plea of guilty. Fine, \$25. (F. & D. No. 742-c.)

On October 9, 1924, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of the District of Columbia, filed in the Police Court of the District aforesaid an information against Samuel Farber, Washington, D. C., alleging that on September 26, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of Whistle soft drink beverage which was adulterated.

It was alleged in the information that the article was filthy in that it contained flies and bugs.

On October 9, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12739. Adulteration of canned blueberries. U. S. v. 395 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18596. I. S. No. 17747-v. S. No. C-4338.)

On April 18, 1924, 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 395 cases of blueberries, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., September 6, 1923, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wyman's Brand Blueberries Packed and Guaranteed by Jasper Wyman & Son Milbridge, Me."

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

On November 26, 1924, 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, *Secretary of Agriculture.*

12740. Adulteration and misbranding of white oats. U. S. v. 30 Sacks of White Oats. Decree entered ordering product destroyed. (F. & D. No. 18655. I. S. No. 18086-v. S. No. C-4374.)

On May 17, 1924, the United States attorney for the Southern District of Mississippi, 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 30 sacks of white oats, remaining in the original unbroken packages at Union, Miss., alleging that the article had been shipped by John Wade & Sons, from Memphis, Tenn., on or about April 28, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The product was invoiced as "White Oats."

Adulteration of the article was alleged in the libel for the reason that screenings had been mixed and packed therewith so as to reduce, lower, or