

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

On November 15, 1924, Orloff Bros. & Hershenstein, Inc., 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 \$1,300. in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

**12865. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19185. I. S. No. 12873-v. S. No. E-5003.)**

On November 3, 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 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Coop. Creamery Assoc., Boyden, Iowa, on or about October 26, 1924, 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 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 November 13, 1924, the Farmers Cooperative Creamery Co., Boyden, Iowa, 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 \$300, or the deposit of collateral in like amount, conditioned in part that it be reprocessed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

**12866. Adulteration and misbranding of chocolate products. U. S. v. 21 Boxes of Fisher's Chocolates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16628. S. No. E-4026.)**

On July 14, 1922, the United States attorney for the Eastern District of Pennsylvania, 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 21 boxes of Fisher's chocolates, remaining in the original unbroken packages at Philadelphia, Pa., consigned by S. Fisher & Co., Inc., Hoboken, N. J., alleging that the article had been shipped from Hoboken, N. J., on or about June 3, 1922, and transported from the State of New Jersey into the State of Pennsylvania, 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 excessive shells had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages in which the article was enclosed contained labels bearing the following statements regarding the said article and the ingredients and substances contained therein, "Fisher's Chocolates \* \* \* Guaranteed and Manufactured By S. Fisher & Co. Inc., Hoboken, N. J. U. S. A. \* \* \* Choc. Fruit Bars" (or "Chocolate Pineapple Hearts", as the case might be), which said statements were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.