

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not marked on the outside of the package.

On July 30, 1925, the Hibbing Creamery Co., Hibbing, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further 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 reprocessed under the supervision of this department so as to raise the butter-fat content to not less than 80 per cent.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13832. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20374. I. S. No. 5418-x. S. No. E-5477.)

On August 26, 1925, 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 praying the seizure and condemnation of 9 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Foster D. James, from Rockland, Me., August 19, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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

On October 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13833. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20377. I. S. No. 5421-x. S. No. E-5480.)

On August 26, 1925, 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 praying the seizure and condemnation of 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Ralston H. Means, from Brooklin, Me., August 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

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

On October 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13834. Adulteration and misbranding of canned oysters. U. S. v. 165 Cases and 162 Cases of Canned Oysters. Product relabeled and released to claimants. (F. & D. Nos. 20283, 20284. I. S. Nos. 4216-x, 4217-x. S. No. C-4788.)

On or about July 28, 1925, the United States attorney for the Eastern District of Arkansas, 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 327 cases of canned oysters, at Pine Bluff, Ark., consigned in interstate commerce by Aughinbaugh Canning Co., from Biloxi, Miss., alleging that the article had been shipped January 2, 1925, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nigger Head Brand Oysters, Contains 5 Oz. Oyster Meat. Distributed By Aughinbaugh Canning Co. Of Baltimore * * * Md."

It was alleged in the libels that the article violated section 7 of the act, paragraphs 1 and 2, in that excessive water or brine 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 "Contains 5 Oz. Oyster Meat," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On October 24, 1925, the Arkansas Brokerage Co. and the Hammett Grocer Co., both of Pine Bluff, Ark., having appeared as claimants for respective portions of the property, and the product having been relabeled to the satisfaction of this department, decrees of the court were entered, releasing the product to the claimants upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13835. Adulteration and misbranding of vanilla extract. U. S. v. 42 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20352. I. S. No. 5236-x. S. No. E-5462.)

On August 17, 1925, 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 praying the seizure and condemnation of 42 dozen bottles of vanilla extract, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Fulton Manufacturing Co., from New York, N. Y., March 12, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle carton and bottle label) "Fulton Brand Pure Vanilla Extract Purity And Quality Fulton Manufacturing Co. New York," (carton containing 1 dozen bottles) "Fulton Brand Pure Vanilla."

Adulteration of the article was alleged in the libel for the reason that a substance, a colored substandard vanilla extract, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Vanilla Extract * * * Purity And Quality" and "Pure Vanilla," borne on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 22, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13836. Adulteration and misbranding of butter. U. S. v. 162 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20472. I. S. No. 2009-x. S. No. C-4831.)

On September 26, 1925, the United States attorney for the Western District of Tennessee, 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 162 boxes of butter, at Memphis, Tenn., alleging that the article had been shipped by the Western Creamery Co., Kansas City, Mo., August 6, 1925, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading in that it represented that the article consisted wholly of butter, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter,