

violation of the food and drugs act. The article was labeled in part: (Tin) "Sunkist Brand Raspberry Jam * * * California Packing Corporation Main Office San Francisco California U. S. A."

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 vegetable substance.

On May 6, 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.*

14062. Misbranding of butter. U. S. v. John Morrell & Co. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 18578. I. S. No. 7061-v.)

On January 21, 1925, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Morrell & Co., a corporation, trading at Ottumwa, Iowa, alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 15, 1924, from the State of Iowa into the State of Illinois, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "1 Lb. Net Weight Quarters Yorkshire Farm Brand Creamery Butter: * * * Packed For John Morrell & Co. * * * Ottumwa, Iowa," (wrapper on cubes) "4 Oz. Net Weight."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 60 packages labeled "1 Lb. Net Weight" and 24 cubes labeled "4 Oz. Net Weight" was 15.71 ounces and 3.91 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Lb. Net Weight," borne on the packages containing the article, and "4 Oz. Net Weight," borne on the wrappers inclosing the said cubes, were false and misleading, in that the said statements represented that the packages contained 1 pound net weight of butter and that the wrappers contained 4 ounces net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 1 pound net weight of butter and that the wrappers contained 4 ounces net weight thereof, whereas the said packages contained less than 1 pound of butter and the wrappers contained less than 4 ounces thereof. 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.

On December 29, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

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

14063. Adulteration and misbranding of coffee. U. S. v. 56 Pounds of Alleged Coffee. Default order of confiscation and destruction. (F. & D. No. 19832. I. S. No. 22144-v. S. No. C-4645.)

On March 2, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on April 11, 1925, an amended libel praying the seizure and condemnation of 56 pounds of alleged coffee, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Private Estate Coffee Co., December 24, 1924, in interstate commerce into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "From 'Private Estate' Coffee Company, New York." The paper bags containing the article were rubber stamped on the bottom of the bag, "Coffee & Chicory," in very small type, and "16 Oz. Net," in somewhat larger type.

Adulteration of the article was alleged in the libel for the reason that a substance, chicory, and an unidentified brown vitreous substance, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and for the further reason that so-called coffee made from foreign substances, to wit, chicory, had been substituted wholly or in part for coffee.

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,

coffee, for the further reason that the statement "Coffee," borne on the label, was false and misleading, in that the article contained chicory and an unidentified brown vitreous substance, 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.

On May 12, 1925, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be confiscated and destroyed by the United States marshal.

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

14064. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19026. I. S. No. 19041-v. S. No. C-4488.)

On September 27, 1924, the United States attorney for the Eastern District of Michigan, 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 15 boxes of cheese, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., September 23, 1924, in interstate commerce into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Chicago Cheese & Farm Products Co. Chicago, Illinois Daisy Brand Dutch Cheese."

Adulteration of the article was alleged in the libel for the reason that a substance, foreign fat, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Cheese," borne on the label, was false and misleading and deceived the purchaser. Misbranding was alleged for the further reason that the statement "Cheese," borne on the label, was false and misleading, in that the product contained foreign fat and was an imitation of cheese.

On July 7, 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.*

14065. Adulteration of chestnuts. U. S. v. 143 Bags of Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20553. I. S. No. 8076-x. S. No. E-5537.)

On November 5, 1925, 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 143 bags of shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Elado Perez, from Coruna, Spain, January 3, 1925, and transported from a foreign country 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 it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On January 23, 1926, Unanue & Lopez, New York, N. Y., 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 \$1,200, in conformity with section 10 of the act, conditioned in part that it be sorted so as to separate the good nuts from the bad and that the bad portion be denatured or destroyed.

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

14066. Adulteration and misbranding of maple sugar. U. S. v. 314 Pails of Maple Sugar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20132. I. S. No. 24883-v. S. No. E-5342.)

On June 19, 1925, 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 314 pails of maple sugar, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. Waite & Son, from Enosburg Falls, Vt., on or about May 19, 1925, and trans-