

of the food and drugs act, on or about June 29, 1925, from the State of Oklahoma into the State of Arkansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Brannan & Reynolds, Blocker, Okla."

Examination by the Bureau of Chemistry of this department of 180 eggs from the one case comprising the shipment showed 128, or 71.1 per cent, inedible eggs, consisting of black rots, mixed rots, spot rots, blood rings, and moldy eggs.

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

On March 27, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

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

14176. Adulteration and misbranding of canned cherries. U. S. v. 13 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20783. I. S. No. 769-x. S. No. W-1849.)

On January 21, 1926, the United States attorney for the Northern District of California, 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 cases of canned cherries, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Olympia Canning Co., from Olympia, Wash., August 27, 1925, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Ferndell Brand White Royal Anne Cherries Net Weight One Pound."

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

Misbranding was alleged for the reason that the statements "White Royal Anne Cherries Net Weight One Pound," borne on the label, were false and misleading and deceived and misled the purchaser, and 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 March 26, 1926, 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.*

14177. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20905. I. S. No. 10490-x. S. No. W-1900.)

On February 13, 1926, the United States attorney for the Western District of Washington, 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 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Burley, Idaho, February 11, 1926, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article violated section 7 of the said act, paragraph 2 under foods, in that it was deficient in milk fat content.

On March 3, 1926, the Idaho Creamery Co. and E. E. Snapp, Burley, Idaho, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered, finding the product adulterated, in that a valuable constituent, butterfat, had been abstracted therefrom, and it was ordered by the court that the product be condemned and forfeited. It was further ordered that the said product be released to the claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, the terms of said bond requiring that it be reconditioned under the supervision of this department.

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