

14562. Adulteration and misbranding of butter. U. S. v. 139 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21183. I. S. No. 8392-x. S. No. E-5785.)

On June 28, 1926, 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 seizure and condemnation of 139 tubs of butter, remaining in the original packages at New York, N. Y., alleging that the article had been shipped by the Alexander [Alexandria] Creamery Co., from Alexandria, Ind., on or about June 16, 1926, 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 had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

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

On July 15, 1926, the Alexandria Creamery Co., Alexandria, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed to recondition the product so that it would contain at least 80 per cent of butterfat, 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 \$4,500, conditioned in part that it be reworked and reprocessed to the satisfaction of this department.

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

14563. Adulteration and misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21205. I. S. No. 8268-x. S. No. E-5810.)

On July 14, 1926, 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 seizure and condemnation of 21 tubs of butter, remaining in the original unbroken packages at New York, N. Y., consigned by C. E. Bachelder, Marion, Iowa, alleging that the article had been shipped from Marion, Iowa, on or about July 3, 1926, 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. The article was labeled in part: "Shipped by C. E. Bachelder, Marion, Ia."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

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

On July 17, 1926, C. E. Bachelder, Marion, Iowa, claimant, having admitted the allegations of the libel and consented to the entry of a decree, and having agreed to recondition the product so that it would contain at least 80 per cent of butterfat, 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 \$700, conditioned in part that it be reworked and reprocessed to the satisfaction of this department.

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

14564. Misbranding of butter. U. S. v. 10 Cases of Butter. Product released under bond. (F. & D. No. 21176. I. S. No. 7528-x. S. No. E-5776.)

On or about June 23, 1926, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped from the Armour Creameries, Louisville, Ky., June 17, 1926, and transported from the State of Kentucky into the State of Georgia, and charging misbrand-

ing in violation of the food and drugs act as amended. The article was labeled in part: "1 Lb. Net Weight Goldendale Creamery Butter Armour And Company General Offices, Chicago, Distributors."

It was alleged in substance in the libel that the article was misbranded in violation of section 8 of the act, paragraphs 3 and 4 under food, in that the net weight statement "1 Lb. Net Weight," borne on the label, was not correct, and in that the said statement was false and misleading, since the product had a net weight of less than 1 pound.

On June 28, 1926, Armour & Co., Chicago, Ill., having appeared as claimant for the property, and the product having been theretofore delivered to the said claimant upon the execution of a good and sufficient bond, conditioned that it not be sold or otherwise disposed of contrary to law, an order was entered, providing that the libel be dismissed upon payment of the costs of the proceedings.

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

14565. Adulteration and misbranding of canned corn. U. S. v. 500 Cans, et al., of Corn. Product bonded, relabeled, and ordered released. (F. & D. Nos. 20060, 20061, 20064. I. S. Nos. 14732-v, 14733-v, 14734-v. S. Nos. E-5201, E-5203.)

On May 8, 1925, the United States attorney for the Southern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,940 cases of canned corn, in part at Charleston, W. Va., and in part at Logan, W. Va., alleging that the article had been shipped by the London Canning Co., from London, Ohio, in part October 7, 1924, and in part October 17, 1924, and transported from the State of Ohio into the State of West Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Oak Run Brand" (or "Deer Creek Brand" or "Top Notch Brand") "Sugar Corn * * * Packed By London Canning Company, London, Ohio."

Adulteration of the article was alleged in the libels for the reason that a substance, field corn, had been mixed and packed therewith so as to reduce, lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation, "Sugar Corn," was false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On August 12, 1925, F. A. Fishbaugh, trading as the London Canning Co., London, Ohio, having appeared as claimant for the property, and the product having been properly relabeled under the supervision of this department, a decree was entered, ordering that the said product be released and delivered to the claimant, and that the bond theretofore executed be exonerated.

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

14566. Adulteration of canned cherries. U. S. v. 6 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20894. I. S. No. 5760-x. S. No. E-5646.)

On February 26, 1926, the United States attorney for the Western 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 seizure and condemnation of 6 cases of canned cherries, at Pittsburgh, Pa., alleging that the article had been shipped by W. N. Clark Co., from Rochester, N. Y., on or about October 14, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "W. N. Clark Co. Pitted Red Cherries Preserved In Heavy Cane Syrup Rochester, N. Y. * * * Packers Of Fancy Quality Canned Fruits and Vegetables."

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

On August 5, 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.

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