

Misbranding of the "Jersey Belle" and the "Clover Springs" butter was alleged in the information for the 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 packages.

Misbranding of a portion of the "Clover Springs" butter and the "Mountain Grove" butter was alleged for the reason that the statements, "Butter," "One Pound Net," with respect to the former, and "Butter," "One Pound Net," and "Net Weight One Pound," with respect to the latter, borne on the labels, were false and misleading in that the said statements represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923 (42 Stat. 1500), and that each of the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, and that each of the said packages contained 1 pound net of butter, whereas it was a product which contained less than 80 per cent by weight of milk fat and each of said packages did not contain 1 pound of butter, but did contain a less amount.

Adulteration of the "Park View Farms" butter was alleged 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 by weight of milk fat as prescribed, which the article purported to be.

On November 18, 1926, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

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

15240. Misbranding of cottonseed cake screenings. U. S. v. 400 Sacks of Cottonseed Cake Screenings. Decree of condemnation entered. Product released under bond. (F. & D. No. 21392. I. S. No. 1769-x. S. No. C-5280.)

On November 21, 1926, the United States attorney for the District of Kansas, 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 400 sacks of cottonseed cake screenings, at Assaria, Kans., alleging that the article had been shipped by the Mutual Cottonseed Oil Mill from Ft. Worth, Tex., on or about November 8, 1926, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 per cent Protein Cracked Cottonseed Cake Prime Quality, Manufactured by Mutual Cotton Seed Oil Mill, Fort Worth, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Protein not less than 43 per cent" was false and misleading and deceived and misled the purchaser to believe that the article contained not less than 43 per cent of protein, when in truth and in fact it contained a less amount.

On December 17, 1926, the Mutual Cottonseed Oil Mill, Ft. Worth, Tex., having appeared as claimant for the property 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 \$500, conditioned in part that it be rebranded to show the true contents.

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

15241. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21968. I. S. No. 17310-x. S. No. W-2164.)

On or about June 14, 1927, 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 seizure and condemnation of 8 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Pike's Creamery, Bozeman, Mont., June 2, 1927, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in milk fat content.

On June 27, 1927, Pike's Creamery, Bozeman, Mont., 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 \$225, conditioned in part that it be reconditioned under the supervision of this department.

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

15242. Adulteration of canned cherries. U. S. v. 129 Cases, et al., of Gervas Brand Cherries. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21669, 21670, 21671, 21672. I. S. Nos. 13893-x, 13894-x, 13895-x, 13896-x. S. No. C-5111.)

On or about March 1, 1927, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 423 cases of canned cherries, at Cincinnati, Ohio, consigned by the Gervas Canning Co., Fredonia, N. Y., about August 16, 1926, alleging that the article had been shipped in interstate commerce from Fredonia, N. Y., into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Gervas Brand * * * Pitted Red Sour Cherries. Packed By Gervas Canning Co., Fredonia, N. Y."

It was alleged in the libels that the article was adulterated, in that it contained worms and decayed cherries, and consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 21, 1927, the Gervas Canning Co., Fredonia, N. Y., having appeared as claimant for the property and having admitted the allegations of the libels, and the cases having been consolidated into one cause of action, 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 \$2,000, conditioned in part that it be salvaged under the supervision of this department, by removing all decomposed or worm-infested fruit for destruction.

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

15243. Adulteration of grapefruit. U. S. v. 169 Boxes of Grapefruit. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 21870. I. S. No. 14567-x. S. No. E-6077.)

On April 12, 1927, the United States attorney for the District of Connecticut, 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 169 boxes of grapefruit, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Clearwater Citrus Co., Clearwater, Fla., on or about January 22, 1927, and transported from the State of Florida into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part "Oranges and Grapefruit, Juicefruit Brand Packed by Clearwater Citrus Co., Clearwater, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted of a decomposed vegetable substance.

On May 26, 1927, the claimant for the property having admitted the allegations of the libel and 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 destroyed by the United States marshal.

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

15244. Adulteration of oranges. U. S. v. 300 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21908. I. S. No. 7513-x. S. No. E-6084.)

On or about March 2, 1927, the United States attorney for the Western District of North Carolina, 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 300 boxes of oranges, at North Wilkesboro, N. C., alleging that the article had been shipped by J. W. Rowell, from Orlando, Fla., to Winston-Salem, N. C., on or about February 21, 1927, and had been transported from the State of Florida into the State of North Carolina, and charging adulteration in violation of the food and drugs act.