

misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On April 14, 1927, 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.*

15291. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 22010. I. S. No. 12966-x. S. No. 37.)

On or about July 18, 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 the Farmers Creamery Co., Livingston, Mont., June 29, 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 July 27, 1927, the Farmers Creamery Co., Livingston, 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 to conform with the law.

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

15292. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 22011. I. S. No. 12925-x. S. No. 28.)

On or about July 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 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., Rupert, Idaho, June 24, 1927, 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 the libel that the article was adulterated, in that it was deficient in butterfat content.

On July 27, 1927, the Idaho Creamery Co., and W. A. Snapp, claimants, 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 claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it be reconditioned under the supervision of this department to conform with the law.

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

15293. Adulteration of tomato paste. U. S. v. 270 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.
(F. & D. Nos. 21479 to 21485, incl. I. S. Nos. 12034-x, 12037-x. S. No. C-5286.)

On December 22, 1926, the United States attorney for the Eastern District of Louisiana, 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 270 cases of tomato paste, at New Orleans, La., alleging that the article had been shipped by John S. Mitchell, Inc., Windfall, Ind., on or about September 21, 1926, and transported from the State of Indiana into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (cans) "Regal Brand (or "Imperial Brand") Pure Tomato Paste Distributed By John S. Mitchell, Inc., Windfall, Ind."

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

On March 10, 1927, 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.*

15294. Adulteration and misbranding of preserves and jellies. U. S. v. 228 Cases of Raspberry Preserves, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 21026, 21047. I. S. Nos. 12182-x to 12189-x, incl., 12221-x to 12225-x, incl. S. Nos. C-5071, C-5076.)

On April 20, and April 28, 1926, respectively, the United States attorney for the Eastern District of Michigan, 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 1,039 cases of preserves, and 548 cases of jellies, remaining in the original unbroken packages at Detroit, Mich., alleging that the articles had been shipped by McNeil & Co., from Carpentersville, Ill., in part September 8, 1925, and in part December 28, 1925, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The preserves were labeled in part: (jars) "Pure Raspberry (or "Strawberry," or "Peach," or "Pineapple," or "Cherry," or "Loganberry") Preserves." The jellies were labeled in part: (jars) "Contents 6 Ozs. Sunny-Banks Brand Strawberry (or "Raspberry," or "Currant," or "Grape," or "Crabapple") Apple Pectin Jelly."

It was alleged in the libel that the preserves were adulterated, in that the above mentioned fruit preserves, with added tartaric acid, had been substituted for pure raspberry, (or other fruit) preserves, which the labels represented the articles to be.

Misbranding of the said preserves was alleged for the reason that the designations "Pure Raspberry (or other fruit) Preserves," borne on the labels, were false and misleading and deceived and misled the purchaser, when applied to preserves containing added tartaric acid.

Adulteration of the jellies was alleged for the reason that a substance, pectin, had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality and strength, for the further reason that substances, pectin jellies colored with fruit juices and acidified with tartaric acid, had been substituted wholly or in part for the articles, and in that they had been colored in a manner whereby damage and inferiority were concealed.

Misbranding of the jellies was alleged for the reason, that the statements "Strawberry (or other fruit) Apple Pectin Jelly" were false and misleading and deceived and misled the purchaser, and for the further reason that they were imitations of and offered for sale under the distinctive names of other articles. Misbranding of the raspberry, strawberry, and crabapple jellies was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and in that the statement "Contents 6 Ozs." was false and misleading and deceived and misled the purchaser.

On May 27, and June 17, 1926, respectively, McNeil & Co., Carpentersville, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,000, conditioned in part that they be relabeled under the supervision of this department.

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

15295. Adulteration of shell eggs. U. S. v. Otto Burtscher. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19731. I. S. No. 24626-v.)

On July 24, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Otto Burtscher, Kaw, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 27, 1925, from the State of Oklahoma into the State of Kansas, of a quantity of eggs which were adulterated. The article was labeled in part: "From Otto Burtscher Kaw, Okla."

Examination by this department of 3 half cases, or 540 eggs, showed 519, or 96.1 per cent, inedible eggs.