

the condemnation and forfeiture of the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold until it had been salvaged and relabeled under the supervision of this department.

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

**15320. Misbranding and alleged adulteration of canned oysters. U. S. v. 1,000 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21776. I. S. No. 12864-x. S. No. W-2120.)**

On or about March 28, 1927, the United States attorney for the Southern 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 seizure and condemnation of 1,000 cases of canned oysters, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the C. B. Foster Packing Co., from Baltimore, Md., on or about February 11, 1927, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cases were labeled "5 Oz. Unlabeled Oysters."

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

Misbranding was alleged for the reason that the statement "5 Oz. \* \* \* Oysters" was false and misleading and deceived and misled the purchaser. 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 April 25, 1927, the C. B. Foster Packing Co., Inc., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be relabeled and reconditioned in a manner satisfactory to this department.

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

**15321. Adulteration of canned blackberries. U. S. v. 972 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20688. I. S. No. 630-x. S. No. W-1825.)**

On December 3, 1925, the United States attorney for the Southern 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 seizure and condemnation of 972 cases of canned blackberries, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Kelley Packing Co., Chehalis, Wash., alleging that the article had been shipped in interstate commerce from Chehalis, Wash. into the State of California, on or about September 25, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kelley's Perfek-Pak Blackberries."

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

On May 20, 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.*

**15322. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21988. I. S. No. 14793-x. S. No. 8.)**

On July 7, 1927, the United States attorney for the Eastern 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 4 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Holston Creamery Co., Bristol, Va.,

alleging that the article had been shipped from Bristol, Va., on or about July 4, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From Holston Creamery Co., Bristol, Va."

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

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

On July 27, 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.*

**15323. Adulteration of cotton root bark. U. S. v. 1 Bale of Cotton Root Bark. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22082. I. S. No. 16855-x. S. No. 111.)**

On October 10, 1927, the United States attorney for the District of Massachusetts, 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 1 bale of cotton root bark, remaining in the original unbroken package at Boston, Mass., alleging that the article had been shipped by Sig. Wallace, Statesville, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Analysis by this department showed that the article contained 9.5 per cent of wood while the National Formulary prescribes that cotton root bark shall contain not more than 5 per cent of wood or other foreign matter.

It was alleged in the libel that the article was adulterated, in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Formulary.

On November 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.*

**15324. Adulteration of canned blackberries. U. S. v. 499 Cases and 499 Cases of Blackberries. Consent orders of destruction entered. (F. & D. Nos. 20800, 20801. I. S. Nos. 5030-x, 5031-x. S. Nos. E-5622, E-5623.)**

On January 29, 1927, the United States attorney for the District of Maryland, 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 998 cases of canned blackberries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Kelley Packing Co., from Chehalis, Wash., on or about November 23, 1925, and transported from the State of Washington into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kelley's Perfek-Pak Blackberries \* \* \* Packed by Kelley Packing Co., Chehalis, Wash."

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

On September 17, 1926, the claimant for the property having consented to the entry of decrees of condemnation and forfeiture, judgments were entered ordering that the product be destroyed by the United States marshal.

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

**15325. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21998. I. S. No. 14804-x. S. No. 11.)**

On July 9, 1927, the United States attorney for the Eastern 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 15 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Covington-Nelson Creamery, Culpepper,