

15407. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21731. I. S. Nos. 5909-x, 5910-x. S. No. E-5965.)

On February 24, 1927, the United States attorney for the Western 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 372 boxes of oranges, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Weirsdale Packing Co., from Weirsdale, Fla., on or about February 12, 1927, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Paper label) "Sungold Brand A. F. G. Weirsdale Packing Co. Weirsdale, Florida," (on box) "American Fruit Growers A. F. G. Inc." The remainder of the said article was labeled in part: (Paper label) "Blue Goose A. F. G. Marketed by American Fruit Growers, Inc. Orlando, Fla. Packed by Weirsdale Packing Co., Weirsdale, 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 in whole or in part of a decomposed vegetable substance.

On February 25, 1927, the American Fruit Growers, Inc., Orlando, Fla., 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 \$1,500, conditioned in part that it be salvaged under the supervision of this department.

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

15408. Adulteration and misbranding of cherry sirup and blended cherry sirup. U. S. v. 16 Cases and 12½ Cartons of Cherry Flavor and Blended Cherry Flavor. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21336. I. S. Nos. 5592-x, 5594-x. S. No. E-5875.)

On October 19, 1926, 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 16 cases of cherry sirup and 12½ cartons of blended cherry sirup, remaining in the original unbroken packages at Boston, Mass., consigned in part about July 22, 1926, and in part about July 31, 1926, alleging that the article had been shipped by the Hudson Valley Pure Food Co., Highland, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, an imitation cherry sirup, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article, and in that the article had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements "Cherry Flavor," and "Blended Cherry Flavor," borne on the labels, were false and misleading and deceived and misled the purchaser, and in that the article was an imitation of another article, and was offered for sale under the distinctive name of another article.

On September 12, 1927, the United Drug Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, 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 relabeled under the supervision of this department.

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

15409. Adulteration of figs. U. S. v. 60 Boxes, et al., of Figs. Tried to the court and a jury. Directed verdict for the Government. Judgments of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21865, 21866, 21885, 21888. I. S. Nos. 13865-x, 14978-x, 14979-x, 14980-x, 16154-x, 16155-x. S. Nos. E-6101, E-6109, E-6122.)

On April 28, 29, and 30, 1927, respectively, the United States attorney for the Southern District of New York, 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 7,389 sacks and 162 boxes of figs, remaining in the original unbroken packages at New York, N. Y., consigned by the Garcia & Maggini Co, San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., in various lots, on or about March 24, March 29, and April 7, 1927, respectively, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled: (Boxes) "Paradise Brand Extra Choice California White Figs (or "Bon Ton Brand Extra Fancy California Black Figs") Packed by Garcia & Maggini Co., San Francisco, California."

Adulteration of the article was alleged in the libel with respect to a portion of the product, for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance. Adulteration was alleged with respect to the remainder of the said product for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, sour, bird-pecked figs.

On July 14 and September 9, 1927, respectively, Wm. A. Higgins & Co., Inc., and R. C. Williams & Co., Inc., New York, N. Y., having appeared as claimants for respective portions of the property, the cases came on for trial before the court and a jury. A directed verdict for the Government was returned in each case. On August 27, August 31, and September 23, 1927, judgments of condemnation and forfeiture were 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 bonds totaling \$17,250, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than distillation of alcohol, manufacture of tobacco, and hog feed.

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

15410. Adulteration and misbranding of butter. U. S. v. 110 Cases of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21442. I. S. No. 7571-x. S. No. E-5831.)

On or about November 10, 1926, the United States attorney for the Southern District of Florida, 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 110 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery Co., from Valdosta, Ga., November 1, 1926, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Sweet Clover Creamery Butter, One Pound."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat, in that it 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 by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly 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 consisted wholly of butter, whereas it did not so consist, but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter" borne on the label, was false and misleading in that the said statement 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 law, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On November 12, 1926, Larsen-Fenn, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released, to the said claimant upon the filing of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it contain the amount of butterfat and moisture prescribed by law.

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