

and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing Brand Red Sour Pitted Cherries * * * Manufactured and Guaranteed by the Red Wing Company, Incorporated, Fredonia, N. Y."

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 March 24, 1928, the Red Wing Co., Inc., Fredonia, N. Y., having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, a decree was entered ordering that the said produce 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 should not be sold or otherwise disposed of until pronounced by this department to be in compliance with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15869. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22915. I. S. No. 03151. S. No. 942.)

On July 6, 1928, 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 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Central Minn. Prod. Co., Willmar, Minn., alleging that the article had been shipped from Willmar, Minn., on or about June 30, 1928, and transported from the State of Minnesota into the State of Pennsylvania, 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 containing less than 80 per cent of butterfat 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. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

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 7, 1928, John S. Morris & Co., Philadelphia, Pa., having appeared as claimant for the property, 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 should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15870. Adulteration and misbranding of alimentary paste. U. S. v. 11 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21172. I. S. No. 13401-x. S. No. E-5804.)

On July 15, 1926, the United States attorney for the District of New Jersey, 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 11 boxes of alimentary paste at Jersey City, N. J., alleging that the article had been shipped by the Atlantic Macaroni Co., Long Island City, N. Y., on or about May 5, 1926, and had been transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Bologna Style Tagliatelle Finissimo 20 Lbs. Net Artificially Colored."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed, due to a deficiency in or total lack of egg.

Misbranding was alleged for the reason that the article was an imitation of another article, and in that the statement, "20 Lbs. Net," was false and misleading and deceived and misled the purchaser.

On July 9, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*