

California, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that an artificially flavored substance had been substituted wholly or in part for the article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, "Grape Gum." Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading and deceived and misled the purchaser: (Cases) "Original grape chewing gum * * * Grape Gum;" (cartons) "Blatz Grape Gum * * * Insist on the Original. Refuse Substitutes. Original Grape Chewing Gum;" (leaflet) "When you order Blatz Grape Gum from your jobber, insist on Blatz only and accept no substitutes. There's a reason for the popularity of Blatz Grape Gum. It is the original Grape Flavor—a flavor no one has been able to imitate successfully. Blatz Grape Gum is advertised in magazines, newspapers, and billboards all over the country. When placing your order with your jobber don't say Grape Gum but specify Blatz the Original Grape Gum. When the order is delivered make sure that you get Blatz—the Original—and refuse to accept any substitutes;" (retail 5¢ package) "Blatz Grape Gum * * * Lasting Grape Flavor * * * Refreshing Grape Flavor;" (individual stick) "Blatz Grape Gum. The original grape chewing gum."

On February 25, 1929, 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.*

16289. Adulteration of butter. U. S. v. 13 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23599. I. S. No. 09. S. No. 1815.)

On March 16, 1929, the United States attorney for the Northern 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 25 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Marion Creamery & Produce Co., Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., March 9, 1929, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 20, 1929, Alfred Monotti, San Francisco, Calif., 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 costs and the execution of a bond in the sum of \$700, conditioned in part that it be made to conform to the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16290. Adulteration of scallops. U. S. v. 70 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23601. I. S. No. 05762. S. No. 1517.)

On or about January 28, 1929, 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 70 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned about January 23, 1929, alleging that the article had been shipped by the Gordon C. Willis Co., Morehead City, 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.

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

On February 7, 1929, 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.*