

of 18 dozen cans of cloves, remaining in the original packages at Arkansas City, Kans., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., on or about December 17, 1927, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Spices * * * Cloves."

It was alleged in the libel that the article was adulterated in that a product containing starch and ground seed had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that starch and ground seed had been mixed therewith in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation "cloves" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 1, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having admitted that the said cloves were adulterated, and the claimant having paid costs and executed a bond in the sum of \$25 to the effect that the product would not be sold or otherwise disposed of contrary to the Federal food and drugs act, it was ordered by the court that the said product be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16516. Adulteration of butter. U. S. v. 30 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23843. I. S. No. 0293. S. No. 2012.)

On or about May 27, 1929, 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 30 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Bozeman Creamery Co., Bozeman, Mont., and transported from the State of Montana into the State of Washington, arriving at Seattle on or about May 22, 1929, 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 May 28, 1929, the Bozeman Creamery Co., Bozeman, 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 costs and the execution of a bond in the sum of \$300, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16517. Adulteration and misbranding of butter. U. S. v. 39 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23845. I. S. No. 04085. S. No. 2026.)

On June 3, 1929, the United States attorney for the Southern 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 39 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Indianola Creamery Co., from Indianola, Iowa, May 27, 1929, and transported from the State of Iowa into the State of New York, 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 deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

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

On June 10, 1929, the Indianola Creamery Co., Indianola, Iowa, 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 costs and the execution of a bond in the sum of \$1,200, conditioned

in part that it be reworked and reprocessed. On June 11, 1929, the said decree was amended to include the statement that the claimant agreed that the reconditioned product contain at least 80 per cent of butterfat, and that the packages be plainly and conspicuously marked to show the true quantity of the contents and should not in any other way be in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16518. Adulteration and misbranding of butter. U. S. v. 10 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. F. & D. Nos. 23842, 23844. I. S. Nos. 04055, 04056. S. Nos. 2010, 2011.)

On May 24, 1929, 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 61 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Union Cooperative Creamery Co., from Maquoketa, Iowa, on or before May 17, 1929, and transported from the State of Iowa into the State of New York, 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 deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

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

On June 5, 1929, the Rhode Creamery Co., 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 product be released to the said claimant, upon payment of costs and the execution of bonds totaling \$2,250, or the deposit of cash collateral in like amount, conditioned in part that the product be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16519. Misbranding of tomato catsup. U. S. v. 290 Cases, et al., of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23358. I. S. Nos. 02645, 02646. S. No. 1514.)

On February 1, 1929, the United States attorney for the Western 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 290 cases containing 8-ounce bottles, and 149 cases containing 14-ounce bottles of tomato catsup at Johnstown, Pa., alleging that the article had been shipped by the Mid West Food Packers, from Fowlerton, Ind., on or about September 8, 1928, and transported from the State of Indiana into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Mid-West Brand Tomato Catsup * * * This Catsup Guaranteed To Be Absolutely Pure. No Preservative or Artificial Coloring. Made by Mid-West Food Packers, Fowlerton, Indiana."

It was alleged in the libel that the article was misbranded in that the statements, "This Catsup Guaranteed To Be Absolutely Pure. No * * * Artificial Coloring," were false and misleading and deceived and misled the purchaser.

On June 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.*

16520. Adulteration of canned pitted cherries. U. S. v. 14 Cases of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23588. I. S. No. 02767. S. No. 1839.)

On April 5, 1929, the United States attorney for the Western 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 14 cases of pitted cherries at Erie, Pa., alleging that the article had been shipped by H. A. Johnson, from Williamson, N. Y., on or about October 22, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bestovall Brand Red Sour Pitted Cherries.