

16919. Adulteration of canned cherries. U. S. v. 47 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24173. I. S. No. 07238. S. No. 2410.)

On October 22, 1929, the United States attorney for the District of Oregon, 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 47 cases of canned cherries, remaining in the original unbroken packages at Salem, Oreg., alleging that the article had been shipped by Young's Market, from Los Angeles, Calif., on or about October 11, 1929, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Hunt's Supreme Quality Pitted Black Cherries * * * Hunt Brothers Packing Company * * * San Francisco, U. S. A."

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 or animal substance.

On November 4, 1929, Hunt Bros. Packing Co., 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 \$500, conditioned in part that it be reconditioned in a manner satisfactory to this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16920. Adulteration and misbranding of butter. U. S. v. 21 Cases of Brookfield Creamery Butter. Product released under bond. (F. & D. No. 23955. I. S. No. 03976. S. No. 2101.)

On July 16, 1929, the United States attorney for the Southern District of Georgia, 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 21 cases of creamery butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., July 2, 1929, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company, U. S. A. General Offices, Chicago."

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 mixed and packed with it, so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part 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 packages containing the said article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article consisted wholly of butter, whereas it did not but did consist of a product containing less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, butter.

On August 2, 1929, Swift & Co., having appeared as claimant for the property, a decree was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it be reworked under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16921. Adulteration of walnut quarters. U. S. v. 60 Cases of Walnut Quarters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24241. I. S. No. 021744. S. No. 2473.)

On November 13, 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 60 cases of walnut quarters, remaining in the original and unbroken packages at New York, N. Y., alleging that the article had been imported from Bordeaux, France, on or about February 28, 1929, and charging adulteration in violation of the food and drugs act.