

17033. Adulteration and misbranding of canned cherries. U. S. v. 118 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond. (F. & D. No. 24494. I. S. No. 019374. S. No. 2783.)

On or about February 4, 1930, the United States attorney for the Eastern 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 118 cases of canned cherries, remaining in the original unbroken packages at Spokane, Wash., consigned by the Callahan Canning Co., Coeur d'Alene, Idaho, alleging that the article had been shipped from Coeur d'Alene, Idaho, on or about March 9, 1929, and transported from the State of Idaho into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Coeur d'Alene Brand Red Sour Pitted Cherries Packed by Callahan Canning Co., Coeur d'Alene Idaho."

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive pits, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Pitted Cherries," was false and misleading and deceived and misled the purchaser.

On February 13, 1930, the Callahan Canning Co., Coeur d'Alene, Idaho, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 not less than \$615, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and until relabeled in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17034. Misbranding of butter. U. S. v. 6 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24554. I. S. No. 028901. S. No. 2703.)

On January 6, 1930, 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 6 cartons of butter at Jersey City, N. J., alleging that the article had been shipped by Suchman & McRoberts (Inc.), Jersey City, N. J., from New York, N. Y., on or about December 30, 1929, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Creamery Butter * * * One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound Net," was false and misleading and deceived and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect.

On January 24, 1930, the J. A. Long Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented that a decree be entered condemning and forfeiting the product, judgment was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be repacked in tubs so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17035. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24564. I. S. No. 029115. S. No. 2804.)

On January 28, 1930, 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 10 tubs of butter at Newark, N. J., alleging that the article had been shipped by Irving Sass, Newark, N. J., on or about January 22, 1930, from the premises of Land O'Lakes Creamery (Inc.), New York, N. Y., 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.