

ordered by the court that the product be released to the said claimant to be reworked under the supervision of this department, upon payment of costs 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.*

17661. Adulteration and misbranding of evaporated apples. U. S. v. 42 Cases of Evaporated Apples. Decree entered ordering the product reconditioned and the unfit portion destroyed. (F. & D. No. 24350. I. S. No. 016917. S. No. 2612.)

Samples of evaporated apples from the herein described interstate shipment having been found to contain excessive moisture, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of South Carolina.

On December 12, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 42 boxes of said evaporated apples at Greenville, S. C., alleging that the article had been shipped by the Rogers & Prater Warehouse from Atlanta, Ga., on or about September 23, 1929, and had been transported from the State of Georgia into the State of South Carolina, and charging adulteration in violation of the food and drugs act. On April 3, 1930, the libel was amended to charge adulteration and misbranding of the product. The article was labeled in part: "Sulphur bleach evaporated apples, packed by J. W. Blocher, Bentonville, Arkansas."

It was alleged in the libel, as amended, that the article was adulterated in that a substance containing excessive moisture had been substituted wholly or in part for evaporated apples.

Misbranding was alleged for the reason that the statement "Evaporated apples," borne on the label, was false and misleading and deceived and misled the purchaser when applied to apples that were insufficiently evaporated.

On May 13, 1930, a hearing was had before the court, at which, after the introduction of evidence, the court decided that the product contained excessive water and ordered that the claimant, Livingston & Co., Greenville, S. C., reduce the excessive water and bring the product into conformity with the Federal food and drugs act. On June 7, 1930, the court entered an order that after claimant had reduced the excessive water, so much of the product as could be salvaged might be sold, and that any portion thereof that could not be made to conform with the provisions of the food and drugs act be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17662. Adulteration of butter. U. S. v. 10 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25268. I. S. No. 897. S. No. 3385.)

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On August 28, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 boxes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Farmers Union Cooperative Creamery, Big Timber, Mont., about August 19, 1930, and had been transported from the State of Montana into the State of Washington, 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 by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as provided by the act of Congress of March 4, 1923.

On August 30, 1930, the Sweet Grass County Creamery, Big Timber, 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 \$250, 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.*