

bear a plain and conspicuous statement prescribed by the said Secretary of Agriculture, indicating that such canned food fell below such standard.

On October 29, 1931, the Frederica Packing Co. (Inc.), Frederica, Del., having appeared as claimant for the property, 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 \$800, conditioned in part that it be relabeled under the supervision of this department, and should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18914. Adulteration and misbranding of evaporated apples. U. S. v. 48 Boxes of Evaporated Apples. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 25602. I. S. No. 14517. S. No. 3738.)

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

On or about January 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 48 boxes of evaporated apples, remaining in the original unbroken packages at La Grange, Ga., alleging that the article had been shipped by the Smith Evaporating Co., from Farmington, Ark., on or about October 2, 1930, and had been transported from the State of Arkansas into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Wonder Brand Manufactured and Packed by Smith Evaporating Co., Farmington, Ark."

It was alleged in the libel that the article was adulterated in that insufficiently evaporated apples had been substituted for evaporated apples, which the said article purported to be.

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

On March 18, 1931, 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. On March 19, 1931, the decree was amended to permit delivery of the product to a charitable institution, in lieu of its destruction.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18915. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27151. I. S. No. 35329. S. No. 4977.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On July 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. H. Freund, from Ridgeland, Wis., July 2, 1931, and had been transported from the State of Wisconsin into the State of Illinois, 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 and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading in that it contained less than 80 per cent of milk fat.

On October 12, 1931, 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.*