

On February 24, 1927, J. T. Futch, Dade City, Fla., having appeared as claimant for the property and it having been shown to the court that only portions of the said products were decomposed, decrees were entered, ordering that they be delivered to the claimant for the purpose of salvaging by removing and destroying the unfit fruit, upon the execution of bonds totaling \$1,000, conditioned upon the carrying out of the terms of the decrees, and that the portions found by a representative of this department as fit for human consumption be released.

W. M. JARDINE, *Secretary of Agriculture.*

14966. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21845. I. S. No. 16524-x. S. No. E-6058.)

On April 7, 1927, 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 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Graceville Creamery Co., Graceville, Minn., March 26, 1927, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason 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 April 14, 1927, the Graceville Creamery Co., Graceville, Minn., 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 the costs of the proceedings and the execution of a bond in the sum of \$700, conditioned in part that it be reworked and reprocessed so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

14967. Misbranding of potatoes. U. S. v. 579 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21705. I. S. Nos. 15649-x, 15650-x. S. No. C-5338.)

On March 4, 1927, the United States attorney for the Northern District of Illinois, 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 579 sacks of potatoes, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Brown & Savage, from Burley, Idaho, in part February 19, 1927, and in part February 22, 1927, and transported from the State of Idaho into the State of Illinois, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded, in that the statement "U. S. No. 1 Selected Idaho Potatoes Net Wt. 110 Pounds," borne on the labeling of the sacks, was false and misleading and deceived and misled the purchaser, since the said article did not meet the requirements of United States Grade No. 1 potatoes.

On March 7, 1927, S. Friedman & Son, Chicago, Ill., 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 the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned that it be relabeled by eliminating the words "U. S. Grade No. 1" from the said sacks.

W. M. JARDINE, *Secretary of Agriculture.*

14968. Adulteration of canned cherries. U. S. v. 7 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21738. I. S. No. 14713-x. S. No. E-6046.)

On March 17, 1927, the United States attorney for the Eastern 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 7 cases of canned cherries, remaining in the original unbroken packages at Allentown, Pa., consigned by the Empire State Pickling Co., Phelps, N. Y., alleging that the article had been shipped from Phelps, N. Y., on or about August 17, 1926, 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: "Silver Floss Red Sour Pitted Cherries * * * Packed At Phelps, N. Y. By Empire State Pickling Co."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 4, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14969. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21786. I. S. No. 5908-x. S. No. E-5955.)

On or about February 18, 1927, the United States attorney for the Western 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 360 boxes of grapefruit, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the West Coast Fruit Co., from Clearwater, Fla., on or about February 10, 1927, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

Examination of the article by the Bureau of Chemistry of this department showed that it was composed of frost-damaged fruit.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On March 24, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14970. Misbranding of white diarrhea remedy. U. S. v. 10 Cases of White Diarrhea Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21647. I. S. No. 12519-x. S. No. E-3278.)

On March 2, 1927, the United States attorney for the District of Massachusetts, 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 cases of white diarrhea remedy, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Barnes Emulsion Co., Gardena, Calif., and transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was a solution of ferrous sulphate in water, the solution containing 9.4 per cent ferrous sulphate. Bacteriological examination showed that the product was not antiseptic or germicidal.

It was alleged in the libel that the article was misbranded, in that the following statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "White Diarrhea Coccidiosis Remedy * * * This remedy is made specifically for White Diarrhea, Coccidiosis, and all bowel troubles. It is a remedy that is highly antiseptic, germicide * * * Will assist the functions of the body."

On April 15, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*