

act as amended. The article was labeled in part: "Olia D'Oliiva Vergine Extrafino La Viola Brand Oil D. F. Debco Net Contents One Gallon" (or "Net Contents Half-Gallon")

It was alleged in the libel that the article was misbranded in that the statement "Net Contents One Gallon," or "Net Contents one-half Gallon," borne on the labels, was false and misleading and deceived and misled purchasers, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 3, 1928, 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.*

15687. Adulteration of frozen whole eggs. U. S. v. 1049 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22610. I. S. Nos. 20957-x, 20959-x, 20960-x. S. No. 639.)

On March 8, 1928, 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 1,049 cans of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped by Swift & Co., in part from Chicago, Ill., and in part from Hutchinson, Kans., on or about February 15, 1928, and had been transported from the States of Illinois and Kansas, respectively, into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Brookfield Frozen Eggs * * * Swift & Company * * * Chicago."

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

On March 26, 1928, Swift & Co., 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 said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$14,500, conditioned in part that it be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

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

15688. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released upon deposit of collateral. (F. & D. No. 22662. I. S. No. 21064-x. S. No. 575.)

On February 10, 1928, 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 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 2, 1928, alleging that the article had been shipped by the Goose River Creamery Co., Hillsboro, N. Dak., and had been transported from the State of North Dakota into the State of Massachusetts, 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 substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On February 14, 1928, the Goose River Creamery Co., Inc., Hillsboro, N. Dak., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of \$300, in lieu of bond, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

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

15689. Adulteration of sour pitted cherries. U. S. v. 172 Cases of Red Sour Pitted Cherries. Product ordered released under bond to be reconditioned. (F. & D. No. 22290. I. S. No. 18081-x. S. No. 341.)

On December 15, 1927, the United States attorney for the District of South Dakota, 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 172 cases of Red Ring Brand red sour pitted cherries, remaining in the original unbroken packages at Chamberlain, S. Dak., alleging that the article had been shipped by the Comstock Canneries Inc., Newark, N. Y., on or about August 17, 1927, and transported from the State of New York into the State of South Dakota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Ring Brand Red Sour Pitted Cherries Guaranteed and Distributed by Comstock Canneries, Inc. General Offices, Newark, N. Y."

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 substance.

On January 16, 1928, the Comstock Canneries, Inc., Newark, N. Y., having appeared as claimant for the property, a decree was entered ordering that the product be delivered to the said claimant at Newark, N. Y., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,400, conditioned in part that it be reconditioned under the supervision of this department.

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

15690. Adulteration of frozen whole eggs. U. S. v. 416 Crates of Canned Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22611. I. S. No. 20958-x. S. No. 638.)

On or about March 10, 1928, 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 416 crates of canned frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped by the Utah Ice & Storage Co., Salt Lake City, Utah, on or about February 10, 1928, and transported from the State of Utah into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Stencil on can) "Brookfield Frozen Eggs * * * Swift & Company * * * Chicago."

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

On March 26, 1928, Swift & Co., 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 \$11,000, conditioned in part that it be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

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

15691. Adulteration and alleged misbranding of black pepper. U. S. v. 3 Barrels of Black Pepper. Product ordered released under bond. (F. & D. No. 22378. I. S. No. 1900-x. S. No. 447.)

On or about January 18, 1928, the United States attorney for the District of Indiana, 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 3 barrels of black pepper, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Biston Coffee Co., from East St. Louis, Ill., on or about January 10, 1928, and transported from the State of Illinois into the State of Indiana, 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 corn product and a substance high in crude fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for black pepper.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 9, 1928, the Biston Coffee Co., St. Louis, Mo., claimant, having admitted that the product was adulterated and having paid the costs of the proceedings and executed a bond in the sum of \$662.90 to the effect that it would not be sold or otherwise disposed of contrary to the food and drugs act, it was ordered by the court that the product be delivered to the claimant.

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