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 January 4, 1928, the Garcia & Maggini Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation 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 in part that it should not be used or disposed of contrary to the Federal food and drugs act, nor as food for human beings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15793. Adulteration of canned cherries. U. S. v. 499½ Cases of Cold Pack Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22696. I. S. No. 23871-x. S. No. 730.)

On April 5, 1928, the United States attorney for the Southern District of Ohio, 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 499½ cases of cold pack cherries at Dayton, Ohio, consigned by R. M. Mesler, Inc., Medina, N. Y., about February 13, 1928, alleging that the article had been transported in interstate commerce from Medina, N. Y., into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bespie Cherries Cold Packed * * * Red Sour Pitted, Packed by R. M. Mesler, Inc. Medina, 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 June 30, 1928, Dailey Bros., Inc., 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 $10,000, conditioned in part that it be salvaged under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15794. Adulteration and misbranding of vinegar. U. S. v. 15 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22450. I. S. No. 19909-x. S. No. 515.)

On February 10, 1928, the United States attorney for the Southern 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 15 cases of vinegar, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped from the Yancy Vinegar Co., St. Louis, Mo., on or about October 29, 1927, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Apple Cider Vinegar * * * Yancy Vinegar Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a vinegar made from evaporated apple products 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, "Pure Apple Cider Vinegar," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 3, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to condemnation and confiscation, and it was ordered by the court that the product be destroyed by the United States marshal, and the containers and cases sold.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15795. Adulteration and misbranding of vinegar. U. S. v. 17 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22459. I. S. No. 19915-x. S. No. 559.)

On February 15, 1928, the United States attorney for the Southern 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 17 cases of vinegar, remaining in the original packages at Springfield, Ill., alleging that the article had been shipped from the National Vinegar Co., St. Louis, Mo., on or about March 31, 1927, and transported from the State