16610. Adulteration and misbranding of wheat middlings. U. S. v. 200 Sacks of Wheat Middlings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23816. I. S. No. 0797. S. No. 2029.)

On June 14, 1929, 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 200 sacks of wheat middlings, remaining in the original unbroken packages at Leesport, Pa., consigned by the Victoria Elevator Co., Minneapolis, Minn., alleging that the article had been shipped from Buffalo, N. Y., on or about May 1, 1929, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Bellson Fancy Wheat Middlings Milled from pure recleaned wheat. Manufactured for Samuel Bell & Sons, Philadelphia, Penna. Guaranteed Analysis Protein not less than 14.50%, Fat not less than 3.00%."

It was alleged in the libel that the article was adulterated in that a substance, ground wheat products deficient in protein and fat, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "Fancy Wheat Middlings" and the statement, "Guaranteed Analysis Protein not less than 14.50%, Fat not less than 3.00%," borne on the label, were 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 June 26, 1929, Harry F. Rieser, West Leesport, Pa., 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 $500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16611. Adulteration of canned cherries. U. S. v. 22 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. &. D. No. 23116. I. S. No. 03141. S. No. 1210.)

On October 3, 1928, the United States attorney for the Middle 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 22 cases of canned cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped by F. B. Huxley, from Ontario, N. Y., on or about July 26, 1928, 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: "Huxson Brand Cherries * * * Packed by F. B. Huxley & Son, Ontario, N. Y."

It was alleged in substance 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, to wit, contained worms and decayed cherries.

On June 14, 1929, 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.*

16612. Adulteration of canned cherries. U. S. v. 81 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23142. I. S. No. 03144. S. No. 1243.)

On October 13, 1928, the United States attorney for the Middle 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 81 cases of canned cherries, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by F. B. Huxley & Son, from Ontario, N. Y., in various lots, on or about July 25, 1928, July 31, 1926 (1928), and August 6, 1928, respectively, 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: "Huxson Brand Pitted Red Sour Cherries * * * Packed by F. B. Huxley & Son, Ontario, N. Y."