On January 22, 1925, Leonard, Crosset & Riley, Cincinnati, Ohio, 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 the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the labeling be removed, particularly the part with reference to the grade.

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

13096. Adulteration of chestnuts. U. S. v. 21 Barrels, et al., of Chestnuts. Default decrees entered, ordering product destroyed. (F. & D. Nos. 19212, 19360. I. S. Nos. 19843–v, 19844–v, 19845–v. S. Nos. C–4549, C–4561.)

On November 29 and December 5, 1924, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 74 barrels of chestnuts, at Cincinnati, Ohio, consigned by the Royal Fruit Co., New York, N. Y., in part November 15 and in part November 20, 1924, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

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

On January 2 and 9, 1925, respectively, no claimant having appeared for the property, and the product having become so far decomposed as to constitute a nuisance, decrees of the court were entered, ordering its destruction by the United States marshal.

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

13097. Adulteration and misbranding of assorted jellies. U. S. v. 9 Cases of Assorted Jellies, et al. Decree entered, ordering products released under bond to be relabeled. (F. & D. No. 18605. I. S. Nos. 15085–v, 15086–v, 15087–v, 15088–v, 15089–v, 15090–v, 15091–v. S. No. E–4812.)

On April 21, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of assorted jellies and 3 cases of grape and apple jellies, remaining in the original unbroken packages at Baltimore, Md., consigned February 4, 1924, alleging that the articles had been shipped by the American Preserve Co. (Inc.), from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) Pure Jelly * * * With Fruit Pectin The American Preserve Co. Philadelphia, Pa. * * * "Apple and Strawberry," "Apple," "Apple and Pineapple," "Grape And Apple," "Apple And Peach," or "Apple and Raspberry."

Adulteration of the articles was alleged in the libel for the reason that a substance, to wit, pectin jelly deficient in fruit, had been mixed and packed with the said articles so as to reduce and lower and injuriously affect their quality, and for the further reason that a substance, to wit, pectin jelly, had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements, viz, "Pure Jelly," "Apple and Strawberry," "Apple," "Apple and Pineapple," "Grape And Apple," "Apple And Peach," "Apple and Raspberry," as the case might be, appearing on the said labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of or offered for sale under the distinctive names of other articles.

On May 23, 1924, the American Preserve Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of the court was entered, ordering that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, conditioned in part that they not be sold or disposed of until they had been properly labeled.

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