13448. Adulteration and misbranding of evaporated apples. U. S. v. 16 Cases, et al., of Evaporated Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19976, 19984. I. S. Nos. 15640-v, 15641-v. S. Nos. E-5273, E-5284.)

On April 11 and 23, 1925, respectively, the United States attorney for the Western District of Pennsylvania, 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 26 cases of evaporated apples, at Pittsburgh, Pa., alleging that the article had been shipped by W. T. Gaylord, jr., from Sodus, N. Y., in two consignments, namely, on or about December 2 and 16, 1924, respectively, 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: "50 Lbs. Choice Evaporated Snow Flake Apples W. T. Gaylord, Jr., Sodus, Wayne Co., N. Y."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choice Evaporated Apples" and "Evaporated Apples," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 15, 1925, W. T. Gaylord, jr., Sodus, N. Y., claimant, having admitted the allegations of the libels and having consented to the condemnation and forfeiture of the property, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $400, in conformity with section 10 of the act, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

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13449. Adulteration of canned cherries. U. S. v. 57 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19987. I. S. No. 15573-v. S. No. E-5280.)

On April 11, 1925, the United States attorney for the Western 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 the seizure and condemnation of 57 cases of cherries, at Erie, Pa., alleging that the article had been shipped by the Egypt Canning Co. (Inc.), from Fairport, N. Y., on or about November 11, 1924, 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: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed By Egypt Canning Co., Inc. Egypt, N. Y."

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

On May 21, 1925, the Egypt Canning Co. (Inc.), Egypt, N. Y., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the product, judgment of the court was entered, ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

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

13450. Adulteration of oranges. U. S. v. 400 Cases of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19820. I. S. Nos. 23827-v, 22146-v. S. No. C-4636.)

On February 19, 1925, the United States attorney for the Eastern District of Michigan, 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 400 cases of oranges, at Detroit, Mich., alleging that the article had been shipped by the Peppers Fruit Co., from Colton, Calif., January 23, 1925, and transported from the State of California into

the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Peppers Fruit Company Sweetest Yet California Oranges."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of an inedible and decomposed vegetable substance and for the further reason that a substance (an inedible product) had been substituted wholly or in part for the said article.

On February 27, 1925, Andrews Bros., Detroit, Mich., 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 $2,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

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