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

On July 15, 1925, Edson Bros., Philadelphia, 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 the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, and that the said product be reconditioned in accordance with the ruling of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13755. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 27 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20308, 20309. I. S. Nos. 6805-x, 6887-x. S. Nos. E-5437, E-5438.)

On July 20, 1925, the United States attorney for the Southern District of New York, 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 37 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Whelan Produce Co., Elma, Iowa, on or about July 9, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

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

On August 11, 1925, the Elma Cooperative Creamery Co., Elma, Iowa, and Jacob Narzisenfeld, New York, N. Y., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,200, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13756. Adulteration of tomato puree. U. S. v. 14 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19513. I. S. No. 15512-v. S. No. E-5106.)

On January 19, 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 14 cases of tomato puree, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by Wm. Silver & Co., Inc., from Broadkill, Del., November 6, 1924, and transported from the State of Delaware into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Bell Brand Puree Tomato * * * Wm. Silver & Co., Inc. Aberdeen, Md."

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.

On August 27, 1925, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13757. Misbranding and alleged adulteration of evaporated apples. U. S. v. 40 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19881. I. S. No. 13595-v. S. No. E-5162.)

On March 11, 1925, the United States attorney for the District of Connecticut, 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 40 cases of evaporated apples, remaining in the original unbroken pack-