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 $9,500, in conformity with section 10 of the act.

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

13991. Adulteration of canned pitted cherries. U. S. v. 239 Cases of Canned Pitted Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20652. I. S. No. 1057-x. S. No. W-1820.)

On November 24, 1925, the United States attorney for the Northern District of California, 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 239 cases of canned pitted cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hunt Bros. Packing Co., from Salem, Oreg., on or about October 22, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Wonder Cooking Brand Pitted Royal Anne Cherries."

Adulteration of the article was alleged in the libel for the reason that a substance, cherry pits, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

On December 12, 1925, the Hunt Bros. Packing Co., Salem, Oreg., having appeared as claimant for the property 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 $1,000, in conformity with section 10 of the act.

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

13992. Adulteration and misbranding of butter. U. S. v. Walter R. Meier (Meier Creamery Co.). Plea of guilty. Fine, $1. (F. & D. No. 19228. I. S. No. 15125-v, 15140-v.)

On December 27, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter R. Meier, trading as the Meier Creamery Co., Princeton, Wis., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about November 16 and 23, 1923, respectively, from the State of Wisconsin into the State of Maryland, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter."

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On November 9, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $1.

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