14039. Adulteration and alleged misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20307. I. S. No. 3022-x. S. No. C-4783.)

On July 17, 1925, the United States attorney for the Northern District of Illinois, 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 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Ellendale Creamery Co., from Ellendale, N. Dak., July 6, 1925, and transported from the State of North Dakota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not marked on the outside of the packages.

On July 29, 1925, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court 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 $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

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

14040. Adulteration and misbranding of pitted cherries. U. S. v. 160 Cases of Red Sour Pitted Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20675. I. S. No. 2025-x. S. No. C-5035.)

On November 30, 1925, the United States attorney for the Southern District of Ohio, 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 160 cases of red sour pitted cherries, at Cincinnati, Ohio, consigned on July 27, 1925, by the Fredonia Salsina Canning Co., Fredonia, N. Y., alleging that the article had been shipped from Fredonia, N. Y., in interstate commerce into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Sky Lark Brand * * * Red Sour Pitted Cherries Packed By Fredonia Salsina Canning Co., Inc., Fredonia, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive 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.

Misbranding was alleged for the reason that the statement "Pitted Cherries," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 15, 1925, the Bauer Baking Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel 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 $500, in conformity with section 10 of the act, and that it be salvaged under the supervision of this department by removing all pits contained therein.

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

14041. Adulteration and misbranding of canned cherries. U. S. v. 13 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19824. I S. No. 13590-v. S. No. E-5037.)

On February 20, 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