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

and condemnation of 13 cases of canned cherries, remaining in the original and unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Fredonia Preserving Co., of Fredonia, N. Y., into the State of Connecticut, on or about August 1, 1924, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Fedora Brand First Quality Pitted Cherries Contents 6 Lbs. 12 Oz. Packed By Fredonia Preserving Co. Main Office Fredonia, Chautauqua Co. 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.

Misbranding was alleged in substance for the reason that the labels on the cases containing the article were of such character as to induce the purchaser to believe that the packages (cans) contained 6 pounds and 12 ounces of the said article, when, in truth and in fact, they did not, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 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.

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

14042. Adulteration of butter. U. S. v. 236 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20450. I. S. No. 1920-x. S. No. C-4818.)

On September 2, 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 236 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Lakeville Creamery Co., Lakeville, Minn., alleging that the article had been shipped in interstate commerce from Lakeville, Minn., into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture 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.

On September 19, 1925, the Lakeville Creamery Co., Lakeville, Minn., 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, conditioned in part that it be reworked in a manner satisfactory to this department.

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

14043. Adulteration of butter. U. S. v. 300 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20451. I. S. No. 1919-x. S. No. C-4818.)

On September 2, 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 300 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, alleging that the article had been shipped by Kirschbraun & Sons Co., from Omaha, Nebr., and transported from the State of Nebraska into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture 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.

On September 19, 1925, Kirschbraun & Sons (Inc.), Omaha, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry