

**11726. Adulteration and misbranding of evaporated apples. U. S. v. 50 Cases of Evaporated Apples. Decree of condemnation entered. Product released under bond. (F. & D. No. 17455. I. S. No. 1836-v. S. No. E-4355.)**

On April 12, 1923, the United States attorney for the District of Massachusetts, 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 50 cases of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. B. Holton, Webster, N. Y., on or about February 9, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Weight 15 Ounces Holton Brand Fancy Evaporated Apples \* \* \* Packed By E. B. Holton \* \* \* Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, incompletely evaporated apples, had been substituted in whole or in part for evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the packages containing the article were labeled, "Net Weight 15 Ounces \* \* \* Fancy Evaporated Apples," which statements were false and misleading and deceived and misled the purchaser, in that they represented that the said packages contained 15 ounces each of the article, and that the article was fancy evaporated apples, whereas, in truth and in fact, the said packages contained less than 15 ounces each, and the said article was not fancy evaporated apples but was a product consisting of incompletely evaporated apples. 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, evaporated apples, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count, since the quantity stated thereon was not correct.

On May 9, 1923, E. B. Holton, Webster, N. Y., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11727. Adulteration and misbranding of canned clams. U. S. v. 27 Cases of Canned Clams. Decree of condemnation entered. Product released under bond. (F. & D. No. 17562. I. S. No. 1767-v. S. No. E-4411.)**

On June 21, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 27 cases of canned clams, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Hinkley, Stevens & Co., from Jonesport, Me., on or about April 21, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Cruso Brand \* \* \* Maine Clams Contents 5 Oz."

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

Misbranding was alleged for the reason that the article was labeled, "Clams Contents 5 Oz.," together with a design showing clams in shell, which statements and design were false and misleading and deceived and misled the purchaser, in that they represented that the said article was clams and that each can contained 5 ounces thereof, whereas, in truth and in fact, the said article was not clams but was a product containing excessive brine, and each of said cans did not contain 5 ounces of the said article but contained a less quantity. Misbranding was alleged 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, since the quantity stated was not correct.

On June 27, 1923, Hinkley, Stevens & Co., West Jonesport, Me., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11728. Adulteration of butter. U. S. v. 46 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17563. I. S. No. 8011-v. S. No. W-1387.)**

On June 20, 1923, 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 46 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. E. Turner, from Seattle, Wash., June 9, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. E. Turner \* \* \* Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On July 17, 1923, the Makins Produce Co., Seattle, Wash., 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 \$1,700, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11729. Adulteration of shell eggs. U. S. v. 401 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17747. I. S. No. 7023-v. S. No. C-4071.)**

On July 17, 1923, 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 401 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Macon Produce Co., Milan, Mo., July 14, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On July 19, 1923, Harry H. Redfern Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11730. Misbranding of Euca-Mul. U. S. v. 60 Dozen 2½-Ounce Bottles, et al., of Euca-Mul. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14233, 14234. S. Nos. C-2724, C-2725.)**

On January 27, 1921, 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 libels praying the seizure and condemnation of 1,620 2½-ounce bottles and 254 16-ounce bottles of Euca-Mul at Chicago, Ill., alleging that the article had been shipped by the Edward