under the supervision of this department, it was ordered by the court that the said 223 cases of the product be released to the claimant. On January 4 and 14, 1924, no claimant having appeared for the remainder of the product, decrees of the court were entered ordering that it be destroyed by the United States marshal.

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

12158. Misbranding of prunes and pears. U. S. v. Milton Fruit Growers Cooperative Union, a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 16244. I. S. Nos. 2009-t, 2010-t.)

On February 19, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milton Fruit Growers Cooperative Union, a corporation, Freewater, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 11, 1921, from the State of Oregon into the State of Nebraska, of consignments of prunes and pears, respectively, which were misbranded. The prunes were labeled in part: "Italian 6x6 20 Lbs Net Milton Fruit Growers Co-Op. Union Freewater, Ore." The pears were labeled in part: "Bartlett 165."

Examination of 20 crates of the prunes by the Bureau of Chemistry of this department showed that the said crates averaged 18.2 pounds net.

Misbranding of the prunes was alleged in the information for the reason that the statement, to wit, "20 Lbs Net," borne on the crates containing the article, regarding the said article, was false and misleading, in that it represented that each of the said crates contained 20 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said crates contained 20 pounds net of the said article, whereas, in truth and in fact, each of said crates contained a less amount.

Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

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

12159. Adulteration of catsup. U. S. v. 680 Cases, et al., of Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17995, 18031, 18032. I. S. Nos. 7077-v, 7081-v, 7082-v, 7083-v, 7084-v. S. Nos. C-4156, C-4160, C-4162.)

On November 9, 19, and 20, 1923, respectively, the United States attorney for the Northern District of Illinois, 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 1,679 cases of catsup, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Pecoto Packing Co., from Indianapolis, Ind., in various consignments, on September 20, October 7, and October 11, 1923, respectively, and transported from the State of Indiana 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 libels for the reason that it consisted in part of a filthy animal [vegetable] substance, for the further reason that it consisted in part of a decomposed animal [vegetable] substance, and for the further reason that it consisted in part of a putrid animal [vegetable] substance.

On February 7, 1924, the cases having been consolidated into one action, and the Pecoto Packing Co., Indianapolis, Ind., claimant, having admitted the material allegations of the libels 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 sorted under the supervision of this department, the bad portion destroyed and the good portion released.

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