On September 13, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16043. Adulteration of chicken livers. U. S. v. 7 Cases of Chicken Livers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22964. I. S. No. 02824. S. No. 1039.)

On August 9, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 7 cases of chicken livers, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Cudahy Packing Co., from Kansas City, Mo., on or about July 6, 1928, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 28, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16044. Adulteration and misbranding of canned cherries. U. S. v. 37 Cases of Canned Cherries, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22726, 22768. I. S. Nos. 16339-x, 16342-x. S. Nos. 769, 793.)

On April 23 and May 9, 1928, respectively, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 50 cases of canned cherries at Norfolk, Va., consigned by the Edgett-Burnham Co., Newark, N. Y., alleging that the article had been shipped from Newark, N. Y., in part on or about September 10, 1927, and in part on or about September 24, 1927, and had been transported from the State of New York into the State of Virginia, and charging adulteration with respect to all of the product, and misbranding with respect to a portion thereof, in violation of the food and drugs act as amended. The article was labeled in part: "Fairville Brand Pitted Red Sour Cherries, Packed by Edgett-Burnham Company, Newark, New York, Contents 1 lb. 4 Oz."

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "Contents 1 lb. 4 oz.," borne on the label, was false and misleading and deceived the purchaser, 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 September 12, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture*

16045. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23010. I. S. No. 03012. S. No. 1093.)

On August 24, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen poultry at New York, N. Y., alleging that the article had been shipped by T. Jensen & Sons, August 9, 1928, from Emporia, Kans., and had been transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.