

claimant upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16503. Adulteration of canned cherries. U. S. v. 8 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22819. I. S. Nos. 18350-x, 18727-x. S. No. 870.)

On June 19, 1928, the United States attorney for the Western District of Pennsylvania, 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 8 cases of canned cherries at Beaver Falls, Pa., alleging that the article had been shipped by Winters & Powell Canning Co., from Rushville, N. Y., on or about October 15, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Orchard Brand Red Sour Pitted Cherries * * * Winters & Powell Canning Co., Inc. Rushville, New York."

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

On June 7, 1929, 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.*

16504. Adulteration and misbranding of tomato puree. U. S. v. 7½ Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23298. I. S. No. 03267. S. No. 1412.)

On January 3, 1929, the United States attorney for the Middle District of Pennsylvania, 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 7½ cases of tomato puree, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by William Laning & Son Co., from Bridgeton, N. J., on or about October 25, 1928, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Silver Lake Whole Tomato Puree. * * * Packed by Wm. Laning & Son Co. Bridgeton, N. J. (cut of whole red ripe tomato)."

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

Misbranding was alleged for the reason that the statement "Whole Tomato Puree" and the design of a whole red ripe tomato, borne on the label, were false and misleading and deceived and misled purchasers when applied to a tomato puree product made from tomato cores and trimmings.

On June 15, 1929, 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.*

16505. Adulteration and misbranding of butter. U. S. v. One 30-Pound Case, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23836. I. S. Nos. 04174, 04175. S. No. 2074.)

On June 26, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of one 30-pound case, one 20-pound case, three 30-pound boxes, three 20-pound boxes, and twenty-five 1-pound prints of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped from the Mountain View Creamery Co., Purcellville, Va., on or about June 15, 1929, and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Butter * * * Mountain View Creamery Co., Purcellville, Virginia One Pound Table Queen," and "Mountain View Butter, Purcellville, Va., * * * One Pound Net."