

and mislead the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On May 9, 1929, Samuel Bell & Sons, Philadelphia, Pa., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or disposed of until relabeled to conform with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16513. Adulteration and alleged misbranding of canned corn. U. S. v. 946 Cases of Canned Corn. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23560. I. S. No. 09126. S. No. 1811.)

On or about March 28, 1929, the United States attorney for the Eastern District of Michigan, 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 946 cases of canned corn at Detroit, Mich., alleging that the article had been shipped by the H. M. Crites Co., from Ashville, Ohio, February 25, 1929, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced as "standard corn." The cans were labeled in part: "Preferred Brand Special * * * Corn * * * Packed by H. M. Crites & Co., Circleville, Ohio."

It was alleged in the libel that the article was adulterated in that field corn had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "corn" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On May 25, 1929, H. M. Crites and Herman Shade, copartners, trading as H. M. Crites & Co., Circleville, Ohio, having appeared as claimants for the property, judgment was entered by the court finding that the product was adulterated and should be forfeited, condemned, and destroyed. The decree provided, however, that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16514. Misbranding of canned cherries. U. S. v. W. N. Clark Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 23724. I. S. No. 20276-x.)

On May 7, 1929, the United States attorney for the Western 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 an information against the W. N. Clark Co., a corporation, Rochester, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 22, 1927, from the State of New York into the State of Pennsylvania, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Welfare Brand Contents 7 Lbs. 4 Oz. (picture of red cherries) * * * Packed by W. N. Clark Co., Rochester, N. Y."

It was alleged in the information that the article was misbranded in that the statement, to wit, "7 Lbs. 4 Oz.," borne on the cans containing the said article, was false and misleading in that the said statement represented that each of said cans contained 7 pounds and 4 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 7 pounds and 4 ounces of the article, whereas they did not contain 7 pounds and 4 ounces of the article, but did contain a less amount. 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.

On May 17, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16515. Adulteration and alleged misbranding of cloves. U. S. v. 18 Dozen Cans of Cloves. Product ordered released under bond. (F. & D. No. 22630. I. S. No. 23210-x. S. No. 659.)

On March 12, 1928, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court