

packages at New York, N. Y., alleging that the article had been shipped by the Malaga Packing Co., from Fresno, Calif., March 23, 1927, and transported from the State of California 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 vegetable substance.

On September 3, 1927, the Malaga Packing Co., Fresno, Calif., claimant, having admitted the allegations of the libel 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 \$2,250, conditioned in part that it be labeled "Not for Human Consumption" and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15366. Adulteration of dried figs. U. S. v. 4,000 Cases of Dried Figs. Tried to the court and a jury. Directed verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21883. I. S. No. 13783-x. S. No. E-6107.)

On April 30, 1927, 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 4,000 cases of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Packing Corporation, from San Francisco, Calif., on or about March 26, 1927, and transported from the State of California 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 vegetable substance, to wit, wormy, moldy, filthy, sour, and bird pecked figs.

On July 11, 1927, Wm. A. Higgins & Co., Inc., New York, N. Y., having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence for the Government, no witness having been called by the claimant, the court directed a verdict in favor of the Government. On August 25, 1927, a decree 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 \$4,000, conditioned in part that the boxes of figs be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15367. Adulteration of figs. U. S. v. 960 Cases of Figs. Tried to the court and a jury. Directed verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21879. I. S. No. 16153-x. S. No. E-6103.)

On April 29, 1927, 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 960 cases of figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. B. Inderrieden Co., from Fresno, Calif., on or about March 29, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Monogram Brand White Adriatic Figs, Packed by J. B. Inderrieden Co., Fresno, Cal. U. S. A."

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 vegetable substance, to wit, wormy, moldy, filthy, sour, bird pecked figs.

On July 11, 1927, Wm. A. Higgins & Co., Inc., New York, N. Y., having appeared as claimant for the property, the case came on for trial before the court and a jury. A directed verdict for the Government was entered. On August 27, 1927, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that the boxes of figs be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

a bond in the sum of \$1,000, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15368. Adulteration of butter. U. S. v. 50 Boxes of Butter. Decree of condemnation and forfeiture entered. Product released under bond.
(F. & D. No. 22047. I. S. No. 13294-x. S. No. 57.)

On or about August 10, 1927, the United States attorney for the Eastern District of Virginia, 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 50 ten-pound boxes of butter, shipped on or about July 19, 1927, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the North State Creamery Co., Burlington, N. C., and transported from the State of North Carolina into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Dixie Brand Creamery Butter * * * North State Creamery Co. Burlington, N. C."

It was alleged in the libel that the article was adulterated, in that a substance low in butterfat had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On September 14, 1927, the North State Creamery Co., Burlington, N. C., 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 the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it not be sold or otherwise disposed of until reconditioned.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15369. Adulteration and misbranding of oysters. U. S. v. Samuel James Robinson and William H. Stevens (W. H. Stevens & Co.). Pleas of guilty. Fines, \$30. (F. & D. No. 21574. I. S. Nos. 2336-x, 13849-x, 14942-x.)

On April 28, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel James Robinson and William H. Stevens, copartners, trading as W. H. Stevens & Co., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about November 15, 1926, from the State of Delaware into the State of Ohio, and on or about November 22, 1926, from the State of Delaware into the State of New York, of quantities of oysters, a portion of which were adulterated and the remainder of which were adulterated and misbranded. A portion of the article was labeled: (Cans) "1 Gallon Del. 3."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for oysters, which the said article purported to be.

Misbranding was alleged with respect to a portion of the product for the reason that the statement, to wit, "1 Gallon," borne on the can labels, was false and misleading in that the said statement represented that the cans each contained not less than 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 1 gallon of oysters, whereas each of the cans did not contain 1 gallon of the article. Misbranding was alleged with respect to the said portion of the product 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.

On September 16, 1927, the defendants entered pleas of guilty to the information and the court imposed fines totaling \$30.

R. W. DUNLAP, *Acting Secretary of Agriculture.*