15411. Misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21734. I. S. No. 13549-x. S. No. E-5832.)

On or about February 4, 1927, the United States attorney for the Southern District of Florida, 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 30 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., February 1, 1927, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sweet Clover Creamery Butter, One Pound."

It was alleged in the libel that the article was misbranded in violation of section 8, paragraphs 3 and 4, of the said act, in that the net weight statement "One Pound" was incorrect. Misbranding was alleged for the further reason that the statement "One Pound" was false and misleading, since the product had a net weight of less than 1 pound.

On February 8, 1927, the Larsen-Fenn Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $500, conditioned that it be reworked so that each package contain 16 ounces net of butter.

W. M. JARDINE, *Secretary of Agriculture.*

15412. Adulteration of dried peaches, dried apples, black-eyed peas, candy, chocolates, and peanut butter. U. S. v. 47 Boxes of Dried Peaches, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22043. I. S. Nos. 19274-x, 19332-x, 19333-x, 19334-x, 19335-x, 19338-x, 19339-x. S. No. 89.)

On September 3, 1927, the United States attorney for the Eastern District of Missouri, 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 47 boxes of dried peaches, 4 boxes of dried apples, 54 sacks of black-eyed peas, 2 pails of bulk candy, 9 boxes of chocolates, 5 cases of candy, and 13 cases of peanut butter, remaining unsold in the original packages at St. Louis, Mo., having been shipped on instructions of the Red Line Products Co., Memphis, Tenn., alleging that the articles had been shipped in interstate commerce into the State of Missouri, and charging adulteration in violation of the food and drugs act. It was alleged in the libel that the articles were shipped as follows: 47 boxes of dried peaches, 4 boxes of dried apples and 54 sacks of black-eyed peas, by the Livingston Grain & Grocery Co., from Livingston, Texas, on or about July 11, 1927; 2 pails of bulk candy and 9 boxes of chocolates by the Frank Weiss Co., from New Orleans, La., on or about July 16, 1927; 5 cases of candy by the Okmulgee Wholesale Grocery Co., from Okmulgee, Okla., on or about July 18, 1927; and 13 cases of peanut butter, by the Seaman-East Grocery Co., from Greenville, Texas, on or about July 8, 1927.

Adulteration of the articles was alleged in the libel for the reason that all of the said goods were badly infested with worms and weevils and covered with excreta, all of said dried fruits were sour, all of said candy was dirty, said chocolates were moldy, and said products were filthy, decomposed, and putrid.

On October 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15413. Adulteration and misbranding of frozen whole eggs. U. S. v. 135 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22374. I. S. No. 21217-x. S. No. 437.)

On January 17, 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 135 cans of frozen whole eggs, remaining in the original unbroken packages at New York, N. Y., consigned by the Malvern Cold Storage Co., Malvern, Iowa, alleging that the article had been shipped from Malvern, Iowa, on or about November 8, 1927, and transported from the State of Iowa