16293. Misbranding of butter. U. S. v. 10 Cases of Quality Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23077. I. S. Nos. 0822, 0823. S. No. 1110.)

On August 3, 1928, the United States attorney for the Northern District of Alabama, 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 10 cases of butter, remaining in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by the Lowndes County Cooperative Dairy Association, Columbus, Miss., on or about July 30, 1928, and July 31, 1928, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cases) "From Lowndes County Cooperative Dairy Association, Dairy Products, Columbus, Mississippi;" (retail packages) "One Pound Net Quality Butter, Pure, Sanitary, Fresh."

It was alleged in substance in the libel that the article was misbranded in that the statement "One Pound Net Quality Butter, Pure, Sanitary, Fresh," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the article was food in package form and the package bore a statement of weight and measure, which said statement was not a plain and correct statement of the average net weight and volume of the contents of said package, in that the said packages contained by weight an unreasonable amount of butter less than 1 pound net.

On December 27, 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.*

16294. Adulteration and misbranding of canned cherries. U. S. v. 100 Cases of Canned Cherries. Product found adulterated and misbranded, and released under bond. (F. & D. No. 23043. I. S. No. 01657. S. No. 1121.)

On or about September 1, 1928, the United States attorney for the Northern District of Ohio, 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 100 cases of canned cherries at Toledo, Ohio, alleging that the article had been shipped by the Fredonia Preserving Co., Fredonia, N. Y., July 25, 1928, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fedora Pitted Cherries * * *. Packed by Fredonia Preserving Company, Fredonia, N. Y. Guaranteed to Comply with the National and State Pure Food Laws."

It was alleged in the libel that the article was adulterated in that it contained worms, mixed and packed with the said article.

It was further alleged in the libel that the article was misbranded in that it consisted in part of a filthy vegetable substance, whereas the label bore the following false and misleading statement which deceived and misled the purchaser: "Guaranteed to comply with the National and State Pure Food Laws."

On October 26, 1928, the Fredonia Preserving Co., Fredonia, N. Y., having appeared as claimant for the property, a decree was entered finding the product adulterated and misbranded as alleged in the libel, 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 $1,100, conditioned in part that the claimant make no further disposition of the cherries, or if intending to dispose of them, to first have the wormy and adulterated cherries separated from those which did not violate the law, and to have those cherries which were found to violate the provisions of the Federal food and drugs act reconditioned at its factory at Fredonia, N. Y., the separation and reconditioning to be under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16295. Misbranding of alfalfa meal and alfalfa stem meal. U. S. v. 630 Sacks of Alfalfa Meal, et al. Products released under bond. (F. & D. No. 23153. I. S. Nos. 014227, 014228, 014229. S. No. 1250.)

On October 22, 1928, the United States attorney for the Southern District of Texas, 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 condem-