17296. Adulteration of canned cherries. U. S. v. Gervas Canning Co. Plea of guilty. Fine, $50. (F. & D. No. 22526. I. S. Nos. 13888-x, 13893-x, 13894-x, 13895-x, 13896-x.)

On January 23, 1928, 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 Gervas Canning Co., a corporation, Fredonia, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about August 16, 1926, from the State of New York into the State of Ohio, of a quantity of canned cherries which were adulterated. The article was labeled in part: "Gervas Brand * * * Red Sour Cherries Packed by Gervas Canning Co., Fredonia, N. Y."

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances.

On May 29, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17297. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24820. I. S. No. 028012. S. No. 3113.)

On May 2, 1930, 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 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the St. Clair Cooperative Creamery Association, St. Clair, Minn., from Savanna, Ill., on or about April 24, 1930, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 7, 1930, the St. Clair Cooperative Creamery Co., St. Clair, Minn., 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 costs and the execution of a bond in the sum of $600, or the deposit of collateral in like amount, conditioned in part that it be reworked and reprocessed so that it contain not less than 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17298. Adulteration of evaporated apples. U. S. v. E. Benjamin Holton. Plea of guilty. Fine, $25. (F. & D. No. 19720. I. S. Nos. 12681-v, 13600-v, 13900-v, 13927-v, 13928-v, 14228-v, 16382-v, 16383-v.)

On May 24, 1926, 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 E. Benjamin Holton, Webster, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about November 25, 1924, and January 15 and January 17, 1925, from the State of New York into the States of Maryland, Connecticut, Massachusetts, and North Carolina, respectively, of quantities of evaporated apples, which were adulterated. The article was labeled in part: "Daisie Brand [or "Holton Brand"] * * * Wood Dried Evaporated Ring Apples Packed by E. B. Holton, Webster, N. Y."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and in that excessive water had been substituted in part for evaporated apples, which the article purported to be.

On May 28, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

ARTHUR M. HYDE, *Secretary of Agriculture.*