

and condemnation of 200 cases of black raspberries remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Farmers & Merchants Bank, from Hartford, Mich., August 25, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Simpson Acres * * * Fancy Black Raspberries * * * Simpson Acres * * * Keeler—Michigan P. O. Hartford—Michigan."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 28, 1924, Simpson Acres, Hartford, Mich., claimant, having admitted the allegations of the libel and 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 \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12403. Adulteration of tomato catsup. U. S. v. 19½ Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18712. I. S. No. 16129-v. S. No. E-4854.)

On May 2, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19½ cases of tomato catsup remaining in the original unbroken packages at Reading, Pa., consigned by the Thomas Page Canning Co., Albion, N. Y., alleging that the article had been shipped from Albion, N. Y., on or about March 11, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Royal Kitchen Brand * * * Tomato Catsup * * * Packed By Thomas Page Canning Corporation Albion, N. Y., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 24, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12404. Misbranding of butter. U. S. v. North American Provision Co., a Corporation. Tried to the court without a jury. Judgment for the Government. Fine, \$100 and costs. (F. & D. No. 18315. I. S. Nos. 6967-v, 6968-v.)

On April 29, 1924, the United States attorney for the Western District of Oklahoma, 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 North American Provision Co., a corporation, having a branch operating under the name of Morris & Co., at Oklahoma City, Okla., alleging shipment by said company in violation of the food and drugs act as amended, on or about August 22, 1923, from the State of Oklahoma into the State of Texas, of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Morris' Supreme Fancy Creamery Butter Morris & Company, U. S. A. * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 19 cartons from one shipment and 14 cartons from another shipment showed a net weight of 14.8 ounces and 15.5 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, the said packages did not contain 1 pound net weight of butter 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 June 27, 1924, a plea of not guilty having been entered on behalf of the defendant company, the case came on for trial before the court without a jury. After the submission of evidence judgment for the Government was entered by the court, and a fine of \$100 and costs was imposed on the defendant company.

HOWARD M. GORE, *Secretary of Agriculture.*

12405. Adulteration of canned blueberries. U. S. v. 9½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18634. I. S. No. 16778-v. S. No. E-4831.)

On May 3, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9½ cases of canned blueberries remaining in the original unbroken packages at Springfield, Mass., alleging that the article had been shipped by the A. & R. Loggie Co. (Ltd.) from Columbia Falls, Me., on or about September 22, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries * * * Packed—At Columbia Falls, Maine By A. & R. Loggie Co. Limited Of Loggieville, N. B. Canada."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 10, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12406. Adulteration of canned blueberries. U. S. v. 5½ Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18539. I. S. No. 15389-v. S. No. E-4746.)

On April 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5½ cases of canned blueberries remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., on or about September 17, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wyman's Brand Blueberries Packed And Guaranteed By Jasper Wyman & Son Milbridge, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 10, 1924, 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.

HOWARD M. GORE, *Secretary of Agriculture.*

12407. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17933. I. S. Nos. 6432-v, 6433-v.)

On January 17, 1924, 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 an information against the Sugar Creek Creamery Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company in violation of the food and drugs act as amended, in two consignments, namely, on or about June 14 and June 19, 1923, respectively, from the State of Missouri into the State of Illinois, of a quantity of butter which was misbranded. The article was labeled in part: "Sugar Creek Butter * * * One Pound Net Weight * * * Sugar Creek Creamery Co. * * * Sugar Creek Butter General Office Danville, Ill."

Examination of a sample taken from each of the consignments by the Bureau of Chemistry of this department showed an average shortage in weight of 1.9 per cent and 1.87 per cent respectively.