

4927. Adulteration of evaporated apples. U. S. * * * v. 50 Cases * * * of Evaporated Apples. Product ordered released on bond. (F. & D. No. 7060. I. S. No. 10913-1. S. No. C-393.)

On November 24, 1915, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases, each containing 48 cartons, of evaporated apples, remaining unsold in the original unbroken packages at Gulfport, Miss., alleging that the article had been shipped on or about October 13, 1915, by Hartmann & Co., Rochester, N. Y., and transported from the State of New York into the State of Mississippi, and charging adulteration in violation of the Food and Drugs Act. The cartons were labeled in part: "Our best brand fancy evaporated apples packed by Hartmann and Company, Rochester, N. Y."

The allegations in the libel were to the effect that the article was adulterated in that water had been added thereto, and had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the article, and for the further reason that a substance, to wit, water, had been substituted in part for evaporated apples and had been added thereto and mixed therewith.

On January 1, 1916, the said Hartmann & Co., claimant, having filed its claim for the seized goods, praying for the release of the same, and it appearing to the court that the article might be renovated and relabeled and used as food without violation of the law, it was ordered that the property should be released and delivered to said claimant upon payment of the costs of the proceeding and the execution of a good and sufficient bond, conditioned that the article should not be used, sold, or disposed of contrary to the laws of the United States or of the State of Mississippi.

R. A. PEARSON, *Acting Secretary of Agriculture*