

**6690. Adulteration and misbranding of apple butter. U. S. \* \* \* v. 625 Cases \* \* \* of Apple Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 8997. I. S. No. 8954-p. S. No. C-876.)

On April 20, 1918, the United States attorney for the District of Kansas, 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 625 cases, each containing two dozen jars of apple butter, remaining unsold in the original unbroken packages at Salina, Kans., alleging that the article had been shipped on or about October 3, 1917, by Dawson Bros. Mfg. Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Dawson's Brand Pure Apple Butter, Made by Dawson Bros. Mfg. Co., Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed vegetable matter which was packed and mixed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding of the article was alleged for the reason that the brand or label on the article was misleading and deceptive and calculated to induce the purchaser to believe said product to be pure, whereas, in truth and in fact, it was not.

On September 12, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*