

adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Supreme Fancy Creamery Butter * * * One Pound Net Weight."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On August 20, 1923, the North American Provision Co., 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 \$2,500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11748. Adulteration and misbranding of butter. U. S. v. 155 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17650. I. S. No. 692-v. S. No. E-4451.)

On or about July 13, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a District court, a libel for the seizure and condemnation of 155 cases of butter at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Armour's * * * Cloverbloom Creamery Butter * * * 1 Lb. Net Weight."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on each of the packages containing the said article, was false and misleading, in that it represented that each of the said packages contained butter, and for the further reason that the article was labeled "Butter" so as to deceive and mislead the purchaser into the belief that each of the said packages contained butter, whereas, in truth and in fact, each of said packages did not contain butter but did contain a product containing excessive moisture and deficient in butterfat.

On August 20, 1923, Armour & Co., 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 \$2,500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture*

11749. Adulteration of shell eggs. U. S. v. 117 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17731. I. S. No. 4245-v. S. No. C-4076.)

On July 23, 1923, the United States attorney for the Northern District of Illinois, 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 117 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Viroqua Hide & Fur Co., Viroqua, Wis., July 16, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On July 25, 1923, the Glickman & Gross Commission Co., Chicago, Ill., 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 candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11750. Adulteration and misbranding of lemon flavor pie filling. U. S. v. 400 Packages of Lemon Flavor Pie Filling Compound. Default decree of condemnation, forfeiture, and destruction. Claimant subsequently appeared. Product released under bond to be relabeled. (F. & D. No. 14191. I. S. No. 13599-t. S. No. C-2668.)

On or about February 3, 1921, the United States attorney for the Eastern District of Michigan, 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 400 packages of lemon flavor pie filling compound, remaining unsold in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Jewel Tea Co., Inc., from Gibson, Ind., October 19, 1920, and transported from the State of Indiana into the State of Michigan, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "8 Ozs. Net Wt. Jewel Brand Lemon Flavor Pie Filling Compound * * * Manufactured By Jewel Tea Co., Inc., Headquarters New York, Chicago, New Orleans, San Francisco."

Adulteration of the article was alleged in substance in the libel for the reason that an artificially colored product consisting essentially of cornstarch, sugar, gelatin, and citric acid, and containing no eggs, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement appearing on the label, "Lemon Flavor Pie Filling," was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 8, 1921, no claimant for the property having appeared at that time, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed. Subsequently, on petition of the Jewel Tea Co., Chicago, Ill., permission was granted to take the goods down under bond to be relabeled in accordance with sample, on payment of costs and the execution of a good and sufficient bond, in conformity with section 10 of the act. On May 14, 1923, the claimant having relabeled the product in conformity with the law, the bond was ordered canceled.

HOWARD M. GORE, *Acting Secretary of Agriculture.*