

and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged for the further reason that the statement, "3 Pounds Net," was false and misleading and deceived and misled the purchaser.

On June 19, 1924, the Sugar Creek Creamery Co., Danville, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered on the ground that the product was misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12438. Adulteration of frozen cherries. U. S. v. 29 Full Barrels of Frozen Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18776. I. S. No. 2975-v. S. No. E-4862.)

On June 6, 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 29 full barrels of frozen cherries remaining in the original unbroken packages at Philadelphia, Pa., consigned by the New York Canning Crops Assoc., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on or about April 3, 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: (Tag on barrel) "Frozen Cherries Perishable Please Rush Delivery Keep In A Cool Place * * * From New York Canning Crops Cooperative Association, Inc. * * * Rochester, N. Y."

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 August 7, 1924, Thomas E. Wright having appeared as claimant for the property, 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 it be reconditioned under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12439. Adulteration and misbranding of jelly. U. S. v. 80 Cases of Jelly. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17664. I. S. No. 3321-v. S. No. E-4449.)

On or about July 30, 1923, the United States attorney for the Southern District of Florida, 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 80 cases, each containing 4 dozen jars, of jelly, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Gibbs Preserving Co., from Baltimore, Md., on or about June 7, 1923, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Gibbs' Bull Head Brand Apple Jelly 6 Oz. Net Weight Gibbs Preserving Co. Baltimore Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pectin, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that pectin jelly had been substituted in whole or in part for the said article.