

applied to a product containing added mustard bran, and for the further reason that it was offered for sale under the distinctive name of another article.

During July, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13676. Adulteration and misbranding of jam. U. S. v. 428 Cases of Assorted Jam. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20155. I. S. Nos. 21172-v, 21173-v, 21174-v. S. No. W-1730.)

On June 30, 1925, the United States attorney for the District of Oregon, 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 428 cases of assorted jam, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Oest Fruit Co., from San Francisco, Calif., on or about March 16, 1925, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Oest's Pure Fruit Jam Loganberries" (or "Raspberries" or "Blackberries") "Apple Juice & Sugar \* \* \* Oest Fruit Co. San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that substances, apple juice and excessive sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and in that a substance, compound jams consisting of apple juice, sugar, and fruit, had been substituted wholly or in part for fruit jam.

Misbranding was alleged for the reason that the statements in the labeling "Pure Fruit Jam Loganberries Apple Juice & Sugar," "Raspberries Apple Juice & Sugar," and "Blackberries Apple Juice & Sugar," as the case might be, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On August 20, 1925, the Oest Fruit Co., San Francisco, Calif., having appeared as claimant for the property and having 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13677. Adulteration and misbranding of assorted jam. U. S. v. 137 Cases of Assorted Jam. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19168. I. S. Nos. 21033-v, 21034-v, 21035-v, 21036-v. S. No. W-1605.)

On November 14, 1924, the United States attorney for the District of Oregon, 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 137 cases of jam, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Everett Fruit Products Co., from Everett, Wash., on or about October 1, 1924, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Everett Brand Blackberry" (or "Strawberry" or "Loganberry" or "Raspberry") "Jam \* \* \* 45% Pectin & Sugar 55% Fruit," the statement regarding the pectin and fruit being very obscure and hardly noticeable.

Adulteration of the strawberry jam was alleged in the libel in that substances, sugar, organic acid, and pectin, had been substituted wholly or in part for the article. Adulteration of the remainder of the product was alleged for the reason that a substance, a sugar and pectin solution, had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the designations "Blackberry," "Strawberry," "Loganberry," or "Raspberry," as the case might be, "Jam 45% Pectin & Sugar 55% Fruit," were false and misleading and deceived and