

14028. Adulteration of spaghetti, egg noodles, hominy, peanuts, and mincemeat. U. S. v. 9 Cases of Spaghetti, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 20602, 20603, 20604, 20605, 20606. I. S. Nos. 4337-x, 4338-x, 4339-x, 4340-x, 4341-x. S. Nos. C-4861, C-4861-a, C-4861-b, C-4861-c, C-4861-d.)

On November 12, 1925, the United States attorney for the Eastern District of Missouri, 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 9 cases of spaghetti, 4 cases of egg noodles, 2 cases of hominy, 20 cases of peanuts, and 2 cases of mincemeat, remaining in the original unbroken packages at St. Louis, Mo., alleging that the articles had been shipped by the Renfro Supply Co., Williamsburg, Ky., on or about October 1, 1925, and transported from the State of Kentucky into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the articles was alleged in the libel for the reason that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

On January 9, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

14029. Adulteration of canned string beans. U. S. v. 37 Cases, et al., of Canned String Beans. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20620, 20621, 20631, 20716, 20718. I. S. Nos. 4234-x, 4243-x, 4263-x, 4264-x. S. Nos. C-4868, C-4874, C-4911, C-4914.)

On November 14 and 19 and December 12 and 14, 1925, respectively, the United States attorney for the Eastern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 368 cases of canned string beans, in various lots, at Duncan, Waurika, Chickasha, Henryetta, and Poteau, Okla., respectively, alleging that the article had been shipped by the Litteral Canning Co., Fayetteville, Ark., in various consignments, namely, on or about August 22 and 24 and September 5 and 8, 1925, respectively, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Our Favorite Brand" (or "Faycano") "Cut Stringless Beans * * * Packed by Litteral Canning Co. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 16 and 18, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

14030. Adulteration and misbranding of butter. U. S. v. 613 Pails of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 20240. I. S. No. 22358-v. S. No. C-4775.)

On or about June 30, 1925, the United States attorney for the Eastern District of Louisiana, 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 613 pails of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Harrow-Taylor Butter Co., Kansas City, Mo., on or about June 11, 1925, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, in that it was offered for sale under the name of butter, whereas it was not butter, not

having a minimum of 80 per cent of butterfat as required by the act of March 3, 1923.

On July 28, 1925, the Harrow-Taylor Butter Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$800, said bond providing that the product be reconditioned, reworked, and inspected by a representative of this department before being sold or otherwise disposed of.

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

4031. Adulteration of evaporated apples. U. S. v. 1,000 Boxes of Evaporated Apples. Consent decree entered, ordering product released under bond. (F. & D. No. 19831. I. S. Nos. 22586-v, 22587-v. S. No. C-4661.)

On February 24, 1925, the United States attorney for the District of Minnesota, 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 1,000 boxes of evaporated apples, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by E. B. Holton, from Rochester, N. Y., December 10, 1924, and transported from the State of New York into the State of Minnesota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Fancy Knox Brand" (or "Evaporated Apples Choice Daisy Brand") "Ring Packed By E. B. Holton, Webster, N. Y." Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and had been substituted wholly or in part for the said article.

On April 22, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property, and having consented to the condemnation and forfeiture of the product, judgment of the court was entered, ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be shipped to the claimant at Rochester, N. Y., to be reconditioned to the satisfaction of this department.

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

4032. Adulteration and misbranding of evaporated apples. U. S. v. 30 Cases of Evaporated Apples. Consent decree entered, ordering product released under bond. (F. & D. No. 19918. I. S. No. 14792-v. S. No. C-4685.)

On March 21, 1925, the United States attorney for the District of Minnesota, 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 30 cases of evaporated apples, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by R. D. Waterman & Son, from Williamson, N. Y., December 9, 1924, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act amended. The article was labeled in part: (Carton) "Lake Shore Brand New York State 12 Oz. Net" (rubber stamped "10 Oz. Net") "Apples Evaporated Sulphured Packed By R. D. Waterman & Son, Inc. Fruitland & Williamson, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Evaporated Apples 10 Oz. Net" and "12 Oz. Net," borne on the labels, were false and misleading and deceived and misled the purchaser, for the further reason that the article was 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 package.

On April 20, 1925, the Northern Jobbing Co., St. Paul, Minn., having appeared as claimant for the property, and having consented to the entry of a decree forfeiting the product, judgment was entered, ordering that it be re-