

in the District Court of the United States for said district a libel praying seizure and condemnation of 250 cases of canned string beans, remaining in the original packages at Breckenridge, Tex., alleging that the article had been shipped from the Pitkin Canning Co., West Fork, Ark., on or about September 11, 1925, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Appleby's Zat-Zit Brand Cut String Beans Packed By Appleby Bros. Fayetteville, Ark."

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 May 14, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14338. Adulteration of canned string beans. U. S. v. 99 Cases of Canned String Beans, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20617, 20619. I. S. Nos. 9535-x, 9538-x. S. Nos. C-4863, C-4867.)

On or about December 2 and 3, 1925, respectively, the United States attorney for the Northern District of Texas, 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 209 cases of canned string beans, remaining in the original packages in part at Big Springs, Tex., and in part at Abilene, Tex., alleging that the article had been shipped by Appleby Bros., Fayetteville, Ark., in two consignments, on or about September 7 and 9, 1925, respectively, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Zat-Zit Brand Cut String Beans * * * Appleby's Zat-Zit Brand Packed By Appleby Bros. 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 May 14, 1926, 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.

W. M. JARDINE, *Secretary of Agriculture.*

14339. Adulteration and alleged misbranding of canned cherries. U. S. v. 800 Cases of Red Sour Pitted Cherries, et al. Tried to the court. Finding for Government on adulteration charge and for claimant on misbranding charge. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 20345, 20430. I. S. Nos. 6045-x, 6055-x. S. Nos. E-5366, E-5465.)

On August 12 and September 14, 1925, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 897 cases of canned cherries, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Fredonia, N. Y., in two consignments, on or about July 29 and 31, 1925, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sky Lark Brand Red Sour Pitted Cherries * * * Packed By Fredonia Salsina Canning Co., Inc."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed and putrid vegetable substance. Adulteration was alleged for the further reason that cherry pits had been mixed and packed with the article and had been substituted wholly or in part for pitted cherries.

Misbranding was alleged for the reason that the statement "Red Sour Pitted Cherries," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing an excessive amount of pits.

On February 8, 1926, the Fredonia Salsina Canning Co., Fredonia, N. Y., having filed a claim and answer denying the material allegations of the libels, the cases came on for trial before the court on bill and answer and proofs. On