

On September 2, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**14629. Adulteration and misbranding of butter. U. S. v. 10 Cases of Butter. Default decree of condemnation, forfeiture and sale. (F. & D. No. 21230. I. S. No. 7548-x. S. No. E-5778.)**

On July 15, 1926, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases, each containing 30 pounds, of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Union Springs Creamery, from Union Springs, Ala., on or about July 9, 1926, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Creamery Butter \* \* \* One Pound Net When Packed."

Adulteration of the article was alleged in the libel for the reason that a substance other than butter and deficient in milk fat had been substituted in part for butter, and in that the said product contained less than 80 per cent by weight of milk fat.

Misbranding was alleged in substance for the reason that the statement borne on the label of the carton containing the article was false and misleading and deceived and misled the purchaser into the belief that each of the cartons contained 1 pound of butter, whereas the said product was deficient in milk fat, and the cartons did not each contain 1 pound of butter.

On September 3, 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 sold by the United States marshal in conformity with the Federal food and drugs act.

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

**14630. Adulteration and misbranding of canned tomatoes. U. S. v. 765 Cases and 78 Cases of Tomatoes. Decrees of condemnation entered. Portion of product destroyed. Remainder released under bond. (F. & D. Nos. 20219 to 20227, incl., 20232. I. S. No. 24789-v. S. Nos. C-3023, C-3023-a.)**

On or about July 13, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 843 cases of canned tomatoes, remaining in the original unbroken packages at San Antonio, Tex., alleging that the article had been shipped by the Theobald-Berger Co., from Los Angeles, Calif., in part on or about December 30, 1924, and in part on or about January 31, 1925, and transported from the State of California into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Sugarland Brand Tomatoes with Puree, Packed for George W. Wilson Company, Inc. San Antonio, Texas," (can) "Sugarland Brand Tomatoes Highest Quality."

It was alleged in the libels that the article was adulterated, in that tomatoes with puree from trimmings had been mixed and packed with the said article so as to reduce, lower or injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged in substance for the reason that the statement "Sugarland Brand Tomatoes Highest Quality," borne on the labels was false and misleading and deceived and misled the purchaser, in that the said tomatoes were not of the highest quality.

On October 9, 1925, the George Wilson Co., San Antonio, Tex., having appeared as claimant for a portion of the product, and having admitted the allegations of the libel, except the allegation as to adulteration, a decree was entered, adjudging the said portion misbranded and ordering its condemnation, and it was further ordered by the court that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it not be sold or otherwise disposed of in violation of law. On January 5, 1926, no claimant having appeared for the remaining 11 cases of the product, judgment

of condemnation was entered, and it was ordered by the court that the said 11 cases be destroyed by the United States marshal.

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

**14631. Adulteration and misbranding of evaporated apples. U. S. v. Harry H. Williams (A. B. Williams Fruit Co.). Plea of guilty. Fine, \$100.** (F. & D. No. 19745. I. S. Nos. 13858-v, 13859-v, 14230-v, 15622-v, 17260-v, 18692-v, 18693-v, 18694-v, 18695-v, 18696-v, 18697-v, 22235-v, 22237-v, 22553-v, 22554-v.)

On May 24, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry H. Williams, trading as the A. B. Williams Fruit Co., Sodus, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments between the approximate dates of November 14, 1924, and February 20, 1925, from the State of New York into the States of Minnesota, Virginia, Massachusetts, Maine, Pennsylvania, and Vermont, respectively, of quantities of evaporated apples which were adulterated and misbranded. The article was labeled in part: "Dixie Brand" (or "Hills Of Wayne Brand," "Wedding Bells," "Queen Quality" or "Puritan Brand") "Evaporated Apples \* \* \* A. B. Williams Fruit Co. Sodus, N. Y."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and in that excessive water had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Apples," borne on the labels was false and misleading, in that the said statement represented that the article consisted wholly of evaporated apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples, whereas it did not so consist but did consist in part of excessive water.

On September 20, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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

**14632. Adulteration and misbranding of oysters. U. S. v. Jacob J. Lansburgh (J. J. Lansburgh Co.). Plea of guilty. Fine, \$25 and costs.** (F. & D. No. 19787. I. S. Nos. 5604-x, 5605-x, 5606-x, 5607-x.)

On September 24, 1926, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob J. Lansburgh, trading as the J. J. Lansburgh Co., Baltimore, Md., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about December 8, 1925, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: (Can) "Contents 1 Pt. Net" (or "1 Quart Net") "Arrow Brand Oysters Packed By J. J. Lansburgh & Co., Baltimore, Md."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statements "Oysters," with respect to all the product, and "Contents 1 Pt. Net," with respect to a portion thereof, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of oysters, and that each of the alleged pint cans contained 1 pint thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of oysters and that each of the alleged pint cans contained 1 pint thereof, whereas it did not consist wholly of oysters but did consist in part of water, and each of the alleged pint cans contained less than 1 pint of the said article. Misbranding was alleged with respect to the product contained in the alleged pint cans 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 October 4, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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