

14899. Adulteration and misbranding of canned blueberries. U. S. v. 349 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21478. I. S. No. 7727-x. S. No. E-5914.)

On December 28, 1926, the United States attorney for the District of Massachusetts, 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 349 cases of canned blueberries, consigned September 10, 1926, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Bangor Sanitary Packing Co., Bangor, Me., and transported in interstate commerce from Bangor, Me., into the State of Massachusetts, 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 it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and for the further reason that a substance, foreign material, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Extra Select Blueberries," together with a cut of a branch bearing ripe blueberries, borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 23, 1927, 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.*

14900. Adulteration of evaporated apples. U. S. v. 50 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21521. I. S. No. 13436-x. S. No. E-5928.)

On or about January 10, 1927, the United States attorney for the Southern 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 a libel praying seizure and condemnation of 50 cases of evaporated apples, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Adams Grain Provision Co. [Adams Fowler Co.], from Charlotte, N. C., July 17, 1926, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "La Perla Evaporated Apples Sulphured Packed By Aspegren Fruit Co., Sodus, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 21, 1927, 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.*