

14902. Adulteration of canned cherries. U. S. v. 914 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19870. I. S. No. 20497-v. S. No. W-935.)

On March 6, 1925, the United States attorney for the Northern District of California, 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 914 cases of canned cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the National Grape Juice Co., from Philadelphia, Pa., November 26, 1924, and transported from the State of Pennsylvania into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pride of Westfield Brand * * * Red Pitted Sour Cherries Packed By The Westfield Fruit Produce Co. Inc. Westfield, N. Y."

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

On March 1, 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.*

14903. Adulteration and misbranding of cottonseed meal. U. S. v. 3 Tons of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21526. I. S. No. 8704-x. S. No. E-5929.)

On January 12, 1927, 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 3 tons of cottonseed meal, remaining in the original unbroken packages at Belchertown, Mass., alleging that the article had been shipped by the National Cotton Oil Co., Montgomery, Ala., and transported from the State of Alabama 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 a substance deficient in protein (ammonia and nitrogen) had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Cottonseed Meal Guaranteed Analysis Ammonia 7% Protein 36% Nitrogen 5¾%," borne on the label, was false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On March 3, 1927, Rodney J. Hardy & Sons, Boston, Mass., having appeared as claimant for the property, 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 \$250, conditioned in part that it be relabeled under the supervision of this department.

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

14904. Adulteration of canned shrimp. U. S. v. 260 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20233. I. S. No. 15708-v. S. No. E-5424.)

On July 14, 1925, 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 a libel praying seizure and condemnation of 260 cases of canned shrimp, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Marine Products (Inc.), New Orleans, La., April 7, 1924, and transported from the State of Louisiana into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Marine Shrimp Marine Products, Inc. New Orleans, La. Distributors."

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

On August 29, 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.

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