

On July 7, 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.*

15255. Adulteration of cherries. U. S. v. 900 Cases of Cherries. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21536. I. S. No. 4751-x. S. No. C-5105.)

On January 17, 1927, 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 seizure and condemnation of 900 cases of canned cherries, remaining in the original unbroken packages at St. Louis, Mo., consigned by B. E. Winchell, Penn Yan, N. Y., alleging that the article had been shipped in interstate commerce from the State of New York into the State of Missouri, on or about September 4, 1926, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Pride of Egypt Brand * * * Red Sour Pitted Cherries Guaranteed and Distributed by Egypt Canning Co. Inc., Fairport, 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 February 3, 1927, the Yates County Canning Co., Penn Yan, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reshipped to Penn Yan, N. Y., and salvaged under the supervision of this department, upon the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, and that the claimant pay the costs of the proceedings.

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

15256. Adulteration of oranges. U. S. v. 330 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21807. I. S. No. 16589-x. S. No. E-6049.)

On March 22, 1927, the United States attorney for the Middle District of Pennsylvania, 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 330 boxes of oranges at Wilkes-Barre, Pa., alleging that the article had been shipped by Geo. C. Guthrie, So. Lake Weir, Fla., on or about March 15, 1927, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

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

On June 6, 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.*

15257. Adulteration and misbranding of butter. U. S. v. 900 Pounds of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21945. I. S. No. 4692-x. S. No. C-5473.)

On May 18, 1927, 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 seizure and condemnation of 900 pounds of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Terry Dairy Co., Little Rock, Ark., on or about May 7, 1927, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (carton) "Red Rose Brand Butter Manufactured by Terry Dairy Co. Little Rock, Ark. * * * Quarters * * * 16 Ounces."

It was alleged in substance in the libel that the article was adulterated, in that it contained less than 80 per cent of butterfat, the percentage of butterfat prescribed for butter by the act of March 4, 1923, which the said article purported to contain.

Misbranding was alleged for the reason that the statement "16 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser, since the carton contained less than 16 ounces of butter.