

15398. Adulteration of dried figs. U. S. v. 22 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21929. I. S. No. 10725-x. S. No. W-2149.)

On May 20, 1927, the United States attorney for the Western District of Washington, 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 22 boxes of dried figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Garcia & Maggini Co., from San Francisco, Calif., arriving at Seattle on or about April 21, 1927, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bon Ton Fancy California White Figs Packed by Garcia & Maggini Co. San Francisco, California."

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 July 18, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15399. Misbranding of flour. U. S. v. 1,800 Sacks and 575 Sacks of Flour. Decree of condemnation and forfeiture entered. Product released upon deposit of collateral. (F. & D. No. 22027. I. S. Nos. 16486-x, 16487-x. S. No. 66.)

On August 22, 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 2,375 sacks of flour, remaining in the original unbroken packages at Boston, Mass., consigned in part about July 13, 1927, and in part about July 20, 1927, alleging that the article had been shipped by the Hunter Milling Co., Wellington, Kans., and transported from the State of Kansas into the State of Massachusetts and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "24½ Lbs. Net Bleached."

It was alleged in the libel that the article was misbranded, in that the statement on the label, to wit, "24½ Lbs. Net," was false and misleading and deceived and misled the purchaser, since the package contained less than 24½ pounds of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1927, the Hunter Milling Co., Wellington, Kans., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of \$4,000, in lieu of bond, conditioned in part that the sacks be refilled so as to contain at least 24½ pounds net.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15400. Adulteration of butter. U. S. v. 68 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21190. I. S. No. 5547-x. S. No. E-5782.)

On July 1, 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 68 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 17, 1926, alleging that the article had been shipped by Baxter & Draper from Lancaster, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

On July 14, 1926, Baxter & Draper, Lancaster, Wis., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$3,000, conditioned in part that it be reconditioned under the supervision of this department so that it contain at least 80 per cent of butterfat, and be relabeled so that the true contents appear on the container thereof.

R. W. DUNLAP, *Acting Secretary of Agriculture.*