

Misbranding was alleged in substance for the reason that the statement on the said labels, "Pure Blackberry Jelly," was false and misleading, in that the said jars were labeled so as to deceive and mislead the purchaser, and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 16, 1928, no claimant having appeared for the property, judgment of the court was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15903. Adulteration of canned cherries. U. S. v. 32 Cans of Canned Cherries. Default decree of destruction entered. (F. & D. No. 22278. I. S. No. 21237-x. S. No. 319.)

On or about December 15, 1927, the United States attorney for the Northern District of West Virginia, 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 32 cans of cherries, remaining unsold in the original packages at Morgantown, W. Va., alleging that the article had been shipped by the Webster Canning & Preserving Co., from Webster, N. Y., on or about August 25, 1927, and had been transported from the State of New York into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "New York State Products, Packed by Webster Canning and Preserving Company, Webster, N. Y. * * * Pitted Red Cherries."

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

On April 16, 1928, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15904. Adulteration of oysters. U. S. v. James B. Robinson (J. B. Robinson & Co.). Plea of nolo contendere. Fine, \$20. (F. & D. No. 22518. I. S. No. 14938-x.)

On November 7, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James B. Robinson, a member of a copartnership trading as J. B. Robinson & Co., Seaford, Del., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 15, 1926, from the State of Delaware into the State of New York, of a quantity of oysters which were adulterated. The article was labeled in part: (Barrel) "From J. B. Robinson & Co., * * * Seaford, Delaware."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and in that water had been substituted for oysters, which the said article purported to be.

On June 15, 1928, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15905. Misbranding of butter. U. S. v. 7 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22848. I. S. No. 20315-x. S. No. 858.)

On or about June 4, 1928, the United States attorney for the District of Delaware, 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 7 boxes of butter, remaining unsold at Dover, Del., alleging that the article had been shipped by the Orange Creamery Co., from Orange, Va., May 31, 1928, and had been transported from the State of Virginia into the State of Delaware and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Monticello Dairy Butter made from selected and pasteurized cream, Charlottesville Virginia, One Pound, Monticello Dairy Butter."

It was alleged in the libel that the article was misbranded in that the statement on the label, "One Pound," was false and misleading and deceived and misled the purchaser.

On June 25, 1928, the Monticello Dairy, Inc., Charlottesville, Va., claimant, having consented to the entry of a decree, and having paid the costs and executed a good and sufficient bond with surety for the proper labeling of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15906. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22825. I. S. No. 20343-x. S. No. 847.)

On May 29, 1928, the United States attorney for the Eastern 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 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Shenandoah Valley Coop. Milk Producers Assoc., Strasburg, Va., alleging that the article had been shipped from Strasburg, Va., on or about May 26, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 23, 1928, the Shenandoah Valley Cooperative Producers Assoc., Strasburg, Va., 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 \$500, conditioned in part that it be reconditioned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15907. Adulteration of henbane leaves. U. S. v. 1 Bale of Henbane Leaves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22510. I. S. No. 21246-x. S. No. 617.)

On March 6, 1928, 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 a libel praying seizure and condemnation of 1 bale of henbane leaves at Baltimore, Md., alleging that the article had been shipped by McIlvaine Bros., Inc., from New York, N. Y., on or about February 4, 1928, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it yielded 19.15 per cent of acid-insoluble ash.

It was alleged in the libel that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia.

On April 18, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15908. Misbranding of 999 nerve tonic and Prescription 999. U. S. v. 11 Boxes of 999 Nerve Tonic, et al. Default order of destruction entered. (F. & D. No. 22379. I. S. Nos. 2878-x, 2879-x. S. No. 448.)

On January 26, 1928, the United States attorney for the Western 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 11 boxes of 999 nerve tonic, and 11 boxes of Prescription 999, remaining in the original unbroken packages at Kansas City, Mo., alleging that the articles had been shipped by the Combination Remedy Co., from Pittsburgh, Pa., on or about December 27, 1927, and transported from the State of Pennsylvania into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled