

**15959. Adulteration of fig paste. U. S. v. 750 Boxes of Fig Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22108. I. S. No. 14289-x. S. No. 162.)**

On October 26, 1927, the United States attorney for the Southern District of Iowa, 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 750 boxes of fig paste, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by Garcia & Maggini Co., Fresno, Calif., on or about September 15, 1927, and transported from the State of California into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Paradise Brand Calif. Fig Paste packed by Garcia & Maggini Co."

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 January 4, 1928, Garcia & Maggini Co., Fresno, Calif., having appeared as claimant for the property, judgment of condemnation 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 should not be used or disposed of contrary to the provisions of the Federal food and drugs act, nor as food for human beings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15960. Adulteration and misbranding of canned cherries. U. S. v. 212 Cases, et al., of Cherries. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21743, 22729. I. S. Nos. 15933-x, 19084-x. S. Nos. C-5112, 772.)**

On May 17, 1927, and April 24, 1928, respectively, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 262 cases of canned cherries, remaining unsold in the original packages at Detroit, Mich., consigned by H. C. Hemingway & Co., from Lockport, N. Y., alleging that the article had been shipped in part September 2, 1926, and in part November 1, 1927, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Schuyler Brand Pitted Red Cherries in Juice Contents 1 lb. 3 Oz. H. C. Hemingway & Co., Distributors, Auburn \* \* \*, N. Y."

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

Misbranding was alleged with respect to a portion of the product for the reason that the statement on the label, "Cherries in Juice," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the remainder of the said article for the reason that the statement, "Contents 1 lb. 3 Oz.," borne on the label, was false and misleading and deceived and misled the purchaser, and in 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 March 22 and June 23, 1928, respectively, H. C. Hemingway & Co., Inc., Syracuse, N. Y., having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered finding the product adulterated, and a portion misbranded in that it was labeled with an incorrect statement of the net weight, and that the said product should be forfeited and condemned. It was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$2,500, conditioned that it should not be sold or otherwise disposed of contrary to law, and that such portion as might be designated by this department for destruction, after examination by said department, be destroyed under its supervision.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**15961. Adulteration of ground figs. U. S. v. 5 Drums of Roasted Ground Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22078. I. S. No. 17676-x. S. No. 125.)**

On October 5, 1927, the United States attorney for the Northern District of Illinois, 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 5 drums of roasted ground figs, remaining in the original