

and mislead the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On May 9, 1929, Samuel Bell & Sons, Philadelphia, Pa., 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 costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or disposed of until relabeled to conform with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16513. Adulteration and alleged misbranding of canned corn. U. S. v. 946 Cases of Canned Corn. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23560. I. S. No. 09126. S. No. 1811.)**

On or about March 28, 1929, the United States attorney for the Eastern District of Michigan, 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 946 cases of canned corn at Detroit, Mich., alleging that the article had been shipped by the H. M. Crites Co., from Ashville, Ohio, February 25, 1929, and transported from the State of Ohio into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was invoiced as "standard corn." The cans were labeled in part: "Preferred Brand Special \* \* \* Corn \* \* \* Packed by H. M. Crites & Co., Circleville, Ohio."

It was alleged in the libel that the article was adulterated in that field corn had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the designation "corn" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On May 25, 1929, H. M. Crites and Herman Shade, copartners, trading as H. M. Crites & Co., Circleville, Ohio, having appeared as claimants for the property, judgment was entered by the court finding that the product was adulterated and should be forfeited, condemned, and destroyed. The decree provided, however, that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16514. Misbranding of canned cherries. U. S. v. W. N. Clark Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 23724. I. S. No. 20276-x.)**

On May 7, 1929, 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 an information against the W. N. Clark Co., a corporation, Rochester, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 22, 1927, from the State of New York into the State of Pennsylvania, of a quantity of canned cherries which were misbranded. The article was labeled in part: "Welfare Brand Contents 7 Lbs. 4 Oz. (picture of red cherries) \* \* \* Packed by W. N. Clark Co., Rochester, N. Y."

It was alleged in the information that the article was misbranded in that the statement, to wit, "7 Lbs. 4 Oz.," borne on the cans containing the said article, was false and misleading in that the said statement represented that each of said cans contained 7 pounds and 4 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 7 pounds and 4 ounces of the article, whereas they did not contain 7 pounds and 4 ounces of the article, but did contain a less amount. 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 May 17, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16515. Adulteration and alleged misbranding of cloves. U. S. v. 18 Dozen Cans of Cloves. Product ordered released under bond. (F. & D. No. 22630. I. S. No. 23210-x. S. No. 659.)**

On March 12, 1928, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court

of 18 dozen cans of cloves, remaining in the original packages at Arkansas City, Kans., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., on or about December 17, 1927, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Santa Fe Brand Spices \* \* \* Cloves."

It was alleged in the libel that the article was adulterated in that a product containing starch and ground seed had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that starch and ground seed had been mixed therewith in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation "cloves" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 1, 1928, the Biston Coffee Co., St. Louis, Mo., having appeared as claimant for the property and having admitted that the said cloves were adulterated, and the claimant having paid costs and executed a bond in the sum of \$25 to the effect that the product would not be sold or otherwise disposed of contrary to the Federal food and drugs act, it was ordered by the court that the said product be released to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16516. Adulteration of butter. U. S. v. 30 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23843. I. S. No. 0293. S. No. 2012.)**

On or about May 27, 1929, 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 30 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Bozeman Creamery Co., Bozeman, Mont., and transported from the State of Montana into the State of Washington, arriving at Seattle on or about May 22, 1929, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On May 28, 1929, the Bozeman Creamery Co., Bozeman, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 costs and the execution of a bond in the sum of \$300, conditioned in part that it be made to conform with the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16517. Adulteration and misbranding of butter. U. S. v. 39 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23845. I. S. No. 04085. S. No. 2026.)**

On June 3, 1929, the United States attorney for the Southern 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 39 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Indianola Creamery Co., from Indianola, Iowa, May 27, 1929, and transported from the State of Iowa into the State of New York, 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 deficient in butterfat had been mixed and packed with it so as to reduce or 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 offered for sale under the distinctive name of another article.

On June 10, 1929, the Indianola Creamery Co., Indianola, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 costs and the execution of a bond in the sum of \$1,200, conditioned