

in part that it be reworked and reprocessed. On June 11, 1929, the said decree was amended to include the statement that the claimant agreed that the reconditioned product contain at least 80 per cent of butterfat, and that the packages be plainly and conspicuously marked to show the true quantity of the contents and should not in any other way be in violation of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16518. Adulteration and misbranding of butter. U. S. v. 10 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** F. & D. Nos. 23842, 23844. I. S. Nos. 04055, 04056. S. Nos. 2010, 2011.)

On May 24, 1929, the United States attorney for the Southern District of New York, 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 61 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Union Cooperative Creamery Co., from Maquoketa, Iowa, on or before May 17, 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 therewith 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 5, 1929, the Rhode Creamery Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$2,250, or the deposit of cash collateral in like amount, conditioned in part that the product be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16519. Misbranding of tomato catsup. U. S. v. 290 Cases, et al., of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23358. I. S. Nos. 02645, 02646. S. No. 1514.)

On February 1, 1929, the United States attorney for the Western 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 290 cases containing 8-ounce bottles, and 149 cases containing 14-ounce bottles of tomato catsup at Johnstown, Pa., alleging that the article had been shipped by the Mid West Food Packers, from Fowlerton, Ind., on or about September 8, 1928, and transported from the State of Indiana into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Mid-West Brand Tomato Catsup \* \* \* This Catsup Guaranteed To Be Absolutely Pure. No Preservative or Artificial Coloring. Made by Mid-West Food Packers, Fowlerton, Indiana."

It was alleged in the libel that the article was misbranded in that the statements, "This Catsup Guaranteed To Be Absolutely Pure. No \* \* \* Artificial Coloring," were false and misleading and deceived and misled the purchaser.

On June 7, 1929, 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.*

**16520. Adulteration of canned pitted cherries. U. S. v. 14 Cases of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 23588. I. S. No. 02767. S. No. 1839.)

On April 5, 1929, the United States attorney for the Western 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 14 cases of pitted cherries at Erie, Pa., alleging that the article had been shipped by H. A. Johnson, from Williamson, N. Y., on or about October 22, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bestovall Brand Red Sour Pitted Cherries.