

so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the article.

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

On August 17, 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.*

16644. Misbranding of olive oil. U. S. v. 10 Gallon Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22263. I. S. No. 21522-x. S. No. 309.)

On December 8, 1927, the United States attorney for the Middle 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 gallon cans of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by A. Gash & Co. (Inc.), from New York, N. Y., on or about November 9, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Olio d' Oliva Vergine Marca Agash Italia Prodotti Italiana Contenuto One Gallone Netto Italian Product Virgin Olive Oil Gash Brand Italy Net Contents One Full Gallon A Gash Importer and Packer Oneglia, Italy, N. Y. U. S. A."

It was alleged in the libel that the article was misbranded in that the statement, borne on the label, to wit, "Net Contents One Full Gallon," was false and misleading and deceived and mislead the purchaser.

On December 12, 1928, A. Gash & Co. (Inc.), New York, N. Y. 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 \$50, conditioned in part that it be emptied into barrels under the supervision of this department, and relabeled with a plain and conspicuous statement of the net volume.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16645. Adulteration of canned cherries. U. S. v. 44 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22428. I. S. No. 20268-x. S. No. 521.)

On February 9, 1928, the United States attorney for the Middle 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 44 cases of canned cherries, remaining in the original unbroken packages at York, Pa., alleging that the article had been shipped by the G. C. Salter Co., from Victor, N. Y., on or about August 31, 1927, 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: "Pie Makers Special Pitted Red Sour Cherries * * * Packed by The J. Salter Co. (or "The G. C. Salter Co."), Manchester, N. Y."

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, to wit, worms and decayed spotted cherries.

On November 30, 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.*

16646. Misbranding of butter. U. S. v. 31 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23931. I. S. No. 03717. S. No. 2166.)

On July 29, 1929, the United States attorney for the District of New Jersey, 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 31 cases, each containing 30 pounds, and 1 case containing 15 pounds of butter at Newark, N. J., alleging that the article had been shipped from the premises of J. R. Kramer (Inc.), New York, N. Y., on or about July 22, 1929, and transported from the State of New York into the State of New