

or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On August 3, 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.*

**16685. Adulteration of canned sardines. U. S. v. 10 Cases of Sardines. Default decree of forfeiture and destruction. (F. & D. No. 23046. I. S. No. 02505. S. No. 1129.)**

On September 4, 1928, the United States attorney for the Southern District of Georgia, 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 cases of sardines, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Sunset Packing Co., from Pembroke, Me., August 16, 1928, and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunco Brand American Sardines \* \* \* Packed by Sunset Packing Co., Inc., West Pembroke, Washn. Co. Me."

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

On October 18, 1928, no claimant having appeared for the property, judgment of 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.*

**16686. Adulteration and misbranding of jelly. U. S. v. 25 Pails of Jelly. Decree of condemnation entered. Product released under bond. (F. & D. No. 23665. I. S. No. 07345. S. No. 1903.)**

On April 29, 1929, the United States attorney for the District of Montana, 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 25 pails of jelly at Billings, Mont., alleging that the article had been shipped by the Pure Food Manufacturing Co., from Denver, Colo., on or about March 7, 1929, and transported from the State of Colorado into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Stenciled on top of pail) "30 Lbs. Net;" (paper label) "Net Contents 15 ounces—Delicious Brand Apple Pectin and Currant Jelly, Contains Sugar, Fruit, Apple Pectin, Added Fruit Acid and  $\frac{1}{2}$  of 1% Benzoate of Soda, Packed by the Pure Food Manufacturing Co., Denver, Colo." The paper label further bore a picture of various fruits and the statement "Artificially Colored," indistinctly rubber stamped at bottom.

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

Misbranding was alleged for the reason that the statements "Apple Pectin and Currant Jelly" and "30 Pounds Net," borne on the labels, were false and misleading and deceived and misled the purchaser. 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, in that the statements made were not correct. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 4, 1929, the Pure Food Manufacturing Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$200, conditioned in part that it be relabeled to the satisfaction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16687. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation and destruction entered. (F. & D. No. 23053. I. S. No. 02503. S. No. 1143.)**

On September 6, 1928, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the