

On March 26, 1930, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17130. Adulteration of scallops. U. S. v. 1 Barrel of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 24635. I. S. No. 027604. S. No. 2896.)

On February 19, 1930, 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 1 barrel of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Tawes & Co., Oyster, Va., on or about February 18, 1930, and transported from the State of Virginia into the State of New York, 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 substance, water, had been mixed and packed with and substituted in part for scallops.

On March 6, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product fit for human consumption be delivered to a charitable institution, and the unfit portion, if any, destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17131. Adulteration and misbranding of canned cherries. U. S. v. 280 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23927. I. S. No. 09859. S. No. 2183.)

On August 17, 1929, the United States attorney for the Eastern 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 280 cases of canned cherries, remaining in the original unbroken packages at Spokane, Wash., consigned by the Callahan Canning Co., Coeur d'Alene, Idaho, alleging that the article had been shipped from Coeur d'Alene, Idaho, on or about July 8, 1929, and transported from the State of Idaho into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Nugget Brand Red Sour Pitted Cherries Packed for Powell-Sanders Co., Spokane, Wash."

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive pits, had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Pitted Cherries," borne on the label, was false and misleading and deceived and misled the purchaser.

On September 9, 1929, the Callahan Canning Co., Coeur d'Alene, Idaho, having appeared as claimant for the property 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 \$1,344, conditioned in part that it be relabeled in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17132. Adulteration and misbranding of butter. U. S. v. George Sommer. Plea of guilty. Fine, \$100. (F. & D. No. 23762. I. S. No. 08775.)

On February 14, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Sommer, Doylestown, Pa., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about July 8, 1929, from the State of Pennsylvania into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "One Pound Net Weight Sommer Maid, Doylestown, Pa. Fancy Creamery Butter George Sommer, Doylestown, Pa."

It was alleged in the information that the article was adulterated in that a product purporting to be butter, but which was not butter in that it contained