

Misbranding was alleged for the 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 February 21, 1930, 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.*

**17149. Adulteration and misbranding of coffee. U. S. v. 20 Drums of Coffee. Default order of destruction entered. (F. & D. No. 24116. I. S. No. 011927. S. No. 2293.)**

On or about October 4, 1929, the United States attorney for the Southern District of Mississippi, 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 20 drums of coffee, remaining in the original unbroken packages at Jackson, Miss., alleging that the article had been shipped by the Maury Cole Co., from Memphis, Tenn., in 2 consignments, on or about May 10, and June 21, 1929, respectively, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Maury Cole Company \* \* \* Steel Cut Ground on Call Brand Coffee, Memphis, Tennessee."

It was alleged in the libel that the article was in violation of the Federal food and drugs act in that a substance, coffee chaff, had been mixed and packed with and substituted in part for coffee, which the said article purported to be.

Misbranding was alleged for the reason that the label of the article was false and misleading in that it represented the said article to be steel cut ground coffee, when in fact it was not.

On November 15, 1929, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17150. Adulteration and misbranding of canned cherries. U. S. v. 181 Dozen Cans, et al., of Sour Pitted Cherries. Consent decrees of condemnation and forfeiture, with respect to portions of product; said portions ordered released under bond. Default decrees of condemnation, forfeiture, and destruction with respect to remainder. (F. & D. Nos. 24280, 24519, 24520, 24521, 24522, 24452, 24453. I. S. Nos. 015170, 017830, 017831, 017849, 017908, 017909, 017911. S. Nos. 2531, 2717, 2812.)**

On November 23, 1929, January 17, February 8, and February 10, 1930, respectively, the United States attorney for the Southern District of Ohio, 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 393 dozen cans and 240 cases, each case containing 2 dozen cans of sour pitted cherries at Cincinnati, Ohio, consigned by the Van Buren County Canning Co., Hartford, Mich., in various shipments, on or about July 20 and July 24, 1929, respectively alleging that the article had been shipped in interstate commerce from Hartford, Mich., into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Local Pride Brand Red Sour Pitted Cherries In Water, Packed by Van Buren County Canning Co. Hartford, Mich."

It was alleged in the libels that a portion of the article was adulterated in that water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in part for the said article. Adulteration was alleged with respect to the remainder of the article for the reason that excessive water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged with respect to a portion of the product for the reason that the statement on the labels, "Red Sour Pitted Cherries," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the remaining portions for the reason that the statement on the label, "Red Sour Pitted Cherries in Water," was false and misleading and deceived and misled the purchaser when applied to canned cherries slack filled and which contained excessive water.

On March 10, 1930, W. D. Creasey's Sons, Thieman Bros., Lewis Bros., and the Voss Grocery Co., all of Cincinnati, Ohio, having appeared as claimants for respective portions of the article, judgments were entered finding the said portions adulterated and ordering that it be condemned and forfeited. It was further ordered by the court that the said portions of the product be released to the respective claimants to be relabeled under the supervision of this department upon payment of costs and the execution of bonds totaling \$860, conditioned that it should not be sold or otherwise disposed of contrary to law. On March 20, 1930, no claimant having appeared for the remainder of the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*