

6995. Adulteration and misbranding of evaporated milk. U. S. * * * v. 600 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9525. I. S. No. 15269-r. S. No. E-1172.)

On December 5, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 600 cases, each containing 48 cans of evaporated milk, consigned on or about October 18, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Marigold Brand Sterilized Unsweetened Evaporated Milk * * * Manufactured by Western Condensed Milk Co. Newberg, Oregon."

Adulteration of the article was alleged in the libel for the reason that a partially evaporated milk had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for evaporated milk.

Misbranding of the article was alleged for the reason that it was labeled and branded so as to deceive and mislead the purchaser, and in that the label contained statements that were false and misleading, and in that said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk.

On December 13, 1918, Ferdinand Bernheimer, Herman Bernheimer, and Isadore I. Wolf, trading as Bernheimer Brothers, Baltimore, Md. claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under supervision of a representative of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

6996. Adulteration of oysters. U. S. * * * v. 60 Gallons of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9530. I. S. No. 14317-r. S. No. E-1151.)

On October 30, 1918, the United States attorney for the Eastern 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 for the seizure and condemnation of 60 gallons of oysters, at Brooklyn, N. Y., alleging that the article had been shipped on or about October 24, 1918, by the Westchester Fish Co., New York, N. Y., and transported from the State of New York into the State of New Jersey, and thereafter returned to the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been substituted in part for oysters.

On November 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that delivery of said product to the Bureau of Chemistry of this department for disposition in the interest of the United States should constitute an execution of the writ.

E. D. BALL, *Acting Secretary of Agriculture.*