

Adulteration of the article was alleged in the libel for the reason that an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for process butter, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement, to wit, "Process Butter," was false and misleading and deceived and misled the purchaser into the belief that it was process butter, whereas, in truth and in fact, it was not, but was a butter containing an excessive amount of water, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, process butter, whereas, in truth and in fact, it was not.

On March 25, 1919, the said Charles M. Shank, claimant, having entered his appearance, judgment of condemnation and forfeiture was entered, and it was ordered by the court that, upon the payment of the costs of the proceedings, the product should be released to said claimant, upon condition that it should be reworked under the supervision of the deputy collector of internal revenue for the District of Maryland.

E. D. BALL,

Acting Secretary of Agriculture.

7035. Adulteration of catsup. U. S. * * * v. 1,750 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9557. I. S. No. 2327-r. S. No. W-257.)

On January 16, 1919, the United States attorney for the Western 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 for the seizure and condemnation of 1,750 cases, each containing 6 tins of tomato catsup, consigned on or about October 30, 1918, by John W. McCarthy, Jr., & Co., San Francisco, Cal., alleging that the article had been shipped and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On February 7, 1919, the said John W. McCarthy, Jr., & Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the product should be inspected under the supervision of a representative of this department, and that the good portion found fit for consumption should be released to said claimant, and the unfit portion destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7036. Adulteration and misbranding of evaporated milk. U. S. * * * v. 50 Cases of Alleged Evaporated Milk. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion ordered destroyed. (F. & D. No. 9560. I. S. No. 5620-r, S. No. C-1026.)

On December 30, 1918, the United States attorney for the Southern District of Iowa, 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 50 cases of a product, unlabeled, alleged to be evaporated

milk, at Davenport, Iowa, alleging that the article had been shipped on or about December 23, 1918, by the Oatman Condensed Milk Co., Dundee, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a decomposed substance.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 30, 1919, the said Oatman Condensed Milk Co., having admitted all material allegations of the libel, and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be sorted and examined under the supervision of a representative of this department, and that the good portion should be released to said claimant, and the unfit portion destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

**7037. Adulteration and misbranding of oil of wintergreen. U. S. * * *
v. One Can of So-called Oil of Wintergreen. Consent decree of
condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 9561. I. S. No. 13642-r. S. No. E-1200.)**

On December 30, 1918, 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 for the seizure and condemnation of one can containing 50 pounds of a product purporting to be oil of wintergreen, at Linden, N. J., alleging that the article had been shipped on or about November 30, 1918, by J. B. Johnson, Hildebran, N. C., and transported from the State of North Carolina into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation of the article, and for the further reason that the strength and purity of the article were below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith, thereby reducing, lowering, and injuriously affecting its quality and strength, and had been substituted in whole or in part for oil of wintergreen.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, pure oil of wintergreen. Misbranding of the article, considered as a food, was alleged for the reason that it was an imitation of and was offered for sale under the (distinctive) name of another article, to wit, pure oil of wintergreen, and for the further reason that the representation that the article was pure oil of wintergreen was false and misleading in that it represented to the purchaser that the product was pure oil of wintergreen,