

tails, and such statement on said labels was false and misleading, and said product was on account thereof so labeled and branded as to deceive and mislead the purchaser thereof.

On December 2, 1918, Max Hottelet, Milwaukee, Wis., claimant, having filed his answer admitting all the material allegations in the libel, and the Garden City Milling Co., a corporation, Garden City, Kans., having appeared in the matter as intervenor, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the costs of the proceedings be recovered of said Max Hottelet, claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7659. Adulteration and misbranding of cocoa. U. S. v. 390 Boxes and 137 Boxes of Cocoa. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 10013, 10014. I. S. Nos. 12840-r, 12841-r. S. Nos. E-1294, E-1295.)

On April 9, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 390 boxes and 137 boxes of cocoa, remaining unsold at Boston, Mass., consigned on February 29, and March 1, 1919, alleging that the article had been shipped by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the Commonwealth of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part, "My Own Pure Cocoa * * * The cocoa contained in this package is positively high grade."

Adulteration of the article was alleged in the libels of information for the reason that it consisted wholly or in part of starch and sugar and contained excessive cocoa shells, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, cocoa, and in that the statement, "My Own Pure Cocoa," was not sufficiently corrected by the inconspicuous statement, "My Own Cocoa Compound," and [said branding] was false and misleading.

On August 5, 1919, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

7660. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,499 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9380. I. S. No. 5982-r. S. No. C-981.)

On October 9, 1918, the United States attorney for the Northern District of Alabama, 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 1,499 cases of canned tomatoes, consigned on or about September 4, 1918, by the Sunbright Canning Co., Dickson, Tenn., remaining unsold in the original unbroken packages at Bessemer, Ala., alleging that the article had been shipped and transported from the State of Tennessee into the State of