

the United States marshal of the product in the event, after delivery of the product to the claimant, of nonpayment of the costs of the proceedings and nonexecution of a bond in the sum of \$3,000, in conformity with section 10 of the act, by the claimant.

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

**7690. Adulteration and misbranding of concentrated tomato. U. S. \* \* \* v. 182 Cases \* \* \* and 63 Cases \* \* \* of Concentrato Di Pomodoro \* \* \* Concentrated Tomato Serto Brand Packed by Serto Packing Co. N. Y. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 9397, 9398. I. S. Nos. 14252-r, 14253-r. S. Nos. E-1137, E-1138.)**

On October 22, 1918, 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 for the seizure and condemnation of 182 cases, each containing 200 cans, and 63 cases, each containing 100 cans, of a product, labeled "Concentrato Di Pomodoro Concentrated Tomato Serto Brand," remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 10, 1918, by the Serto Packing Co., Centreville, Md., and transported from the State of Maryland into the State of New York, and alleging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it being an article of food, the article consisted in part of a filthy and decomposed vegetable substance, and it was further adulterated in that starch had been mixed with, and substituted wholly or in part for, the article which it purported to be.

Misbranding of the article was alleged in the libel for the reason that it was an imitation of, and offered for sale under the distinctive name of, another article.

On April 22, 1920, Scaramelli & Co., Inc., claimant, consented to the entry of a decree of condemnation and forfeiture, and attachment and destruction by the United States marshal of the product in the event, after delivery of the product to the claimant, of nonpayment of the costs of the proceedings and non-execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, by the claimant.

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

**7691. Adulteration and misbranding of oil of sweet birch and oil of gaultheria. U. S. \* \* \* v. 2 Cans \* \* \* of Oil of Sweet Birch and 3 Cans \* \* \* of Oil of Gaultheria. Decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 11651. I. S. Nos. 534-r, 535-r, 536-r. S. Nos. E-1872, E-1873, E-1874.)**

On December 9, 1919, 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 for the seizure and condemnation of 2 cans, each containing 60 pounds of a product purporting to be oil of sweet birch, and 3 cans, each containing 30 pounds of a product purporting to be oil of gaultheria, consigned November 12, November 13, and November 20, 1919, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by T. J. Ray, Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The alleged birch oil was labeled in part, "Oil Sweet