

7892. Adulteration and misbranding of evaporated milk. U. S. * * * v. 111 Cases and 2 Barrels and 87 Cases of Evaporated Milk. Consent decrees of condemnation and forfeiture. Unfit portion destroyed. Fit portion released on bond. (F. & D. Nos. 10377, 10391, 10392. I. S. Nos. 15722-r, 15723-r, 15716-r, 16717-r. S. Nos. E-1522, E-1471)

On May 29, and June 12, 1919, 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 libels for the seizure and condemnation of 111 cases and 2 barrels and 87 cases of evaporated milk, remaining unsold in the original unbroken packages at Baltimore, Md., consigned by J. A. Kirsch & Co., Kingston, N. Y., on or about May 12, 1919, and May 2, 1919, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled in part, "Arctic Brand Evaporated Milk Made in Michigan, U. S. A. * * * Grand Ledge Milk Co., Detroit, Michigan" and "Country Club Brand Condensed Milk Scio Condensed Milk Co., Scio, Oregon."

Adulteration of the article was alleged in each of the libels filed for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and with respect to the 87 cases it was further alleged that an insufficiently evaporated product had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for condensed milk, which the product purported to be.

Misbranding of a part of the article was alleged for the reason that a number of said cans were labeled "Condensed Milk," whereas, in truth and in fact, said product was a partially evaporated milk, and that the said statement was false and misleading, and deceived and misled the purchaser. Misbranding of another part of the article was alleged for the reason that the statement on the cans, "condensed milk," was misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the product was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, condensed milk.

On August 14, 1919, the two seizures were consolidated and Bernheimer Bros., claimant, having filed an answer and consented to a decree, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be assorted under the supervision of this department, the portion found to be unfit for human consumption to be destroyed by the United States marshal, and the portion found to be fit for human consumption to be released to said claimant 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.

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

7893. Adulteration and misbranding of cocoa. U. S. * * * v. 6 Boxes of a Product Purporting to be Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10100. I. S. No. 13010-r. S. No. E-1321.)

On April 24, 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 a libel for the seizure and condemnation of 6 boxes of a product purporting to be cocoa, remaining unsold in the original unbroken packages at Boston, Mass, consigned on or about March 24, 1919, by the National Cocoa Mills, New York, N. Y., and transported from

the State of New York into the State of Massachusetts, and charging adulteration and misbranding under the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that said food consisted wholly or in part of starch and sugar and contained excessive cocoa shells, and in that the product was mixed in a manner whereby its inferiority was concealed.

Misbranding of the article 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, cocoa, and for the further reason that the statement, "My Own Pure Cocoa," not sufficiently corrected by the inconspicuous statement, "My own cocoa compound," was false and misleading. Misbranding of the article was alleged for the further 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 or measure.

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

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

7894. Misbranding of olive oil. U. S. * * * v. 3 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10390. I. S. No. 9432-r. S. No. C-1264.)

On May 27, 1919, the United States attorney for the Eastern District of Missouri, 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 3 cases of olive oil, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about April 19, 1919, by Kakarakis Bros., Chicago, Ill., and transported from the State of Illinois into the State of Missouri, and charging misbranding under the Food and Drugs Act. The article was labeled in part: (Gallon cans) "Contents 1 Gallon Electra Brand Extra superfine pure olive oil * * * Pure * * * Imported and packed by Kakarakis Bros., Chicago, Ill. * * *"; (half-gallon cans) "Contents ½ Gallon Electra Brand Extra superfine pure olive oil * * * Imported and packed by Kakarakis Bros., Chicago, Ill. * * *"; (quart cans) "Contents 1 Quart Electra Brand Extra superfine pure olive oil * * * Imported and packed by Kakarakis Bros., Chicago, Ill. * * *."

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, contained on the labels on the can aforesaid, as to the quantity of the contents aforesaid, were false and misleading and deceived and misled the purchaser thereof.

On May 8, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

7895. Adulteration of dried Lima beans. U. S. * * * v. 308 Sacks of Dried Lima Beans. Consent decree of condemnation and forfeiture. Good portion ordered released under bond. (F. & D. Nos. 12562, 12563. I. S. Nos. 9027-r, 9032-r. S. No. C-1853.)

On March 18, 1920, the United States attorney for the Eastern District of Missouri, 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 308 sacks of dried Lima beans, remaining unsold in