

that foodstuffs shall be what they purport to be through the labels, marks, and brands upon the packages. It is a matter of common knowledge that in the fine wheat flour of commerce much of the nutritive property of the grain is absent which remains in "whole-wheat flour." A purchaser of an article labeled "whole-wheat flour" is entitled to receive what he is led to believe he is purchasing from what appears upon the label. Similarly, one who is purchasing an article labeled "macaroni" is entitled to receive the article containing nutritive ingredients which genuine macaroni is known to contain. Otherwise the party substituting some other substance for the proper ingredients or designating it by names which falsely represent the contents or mislead the public is liable to the penalties of the act. If, however, one is charged under the act with adulteration and misbranding, he must be informed with sufficient particularity and certainty of the charge against him to enable him to prepare his defense. This particularity and certainty are obviously lacking in the information filed.

It may be that in the course of manufacture, trade, and public use the same "macaroni" has come to mean an article made from flour without regard to its containing semolina alone, and it may be that the word as accepted by the general public is not consonant with what was intended to be set out in the information. These, however, are trial questions. As to the remaining ground of demurrer, it is not necessary under the Pure Food and Drugs Act that an article in order to be unlawfully adulterated or misbranded must be dangerous to the health of the people.

Demurrer sustained.

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

**9293. Adulteration of prunes. U. S. \* \* \* v. 250 Boxes \* \* \* of Prunes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13848. I. S. No. 4903-t. S. No. C-2573.)**

On November 9, 1920, the United States attorney for the Northern District of Illinois, 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 250 boxes, more or less, of prunes, at Chicago, Ill., alleging that the article had been shipped by the Garcia & Maggini Co., San Francisco, Calif., on June 22, 1920, and transported from the State of California into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On April 15, 1921, no claimant having appeared for the property, judgment 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.*

**9294. Adulteration of soup vegetables. U. S. \* \* \* v. 2,313 Cases \* \* \* of Soup Vegetables. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13870. I. S. Nos. 4904-t, 4905-t. S. No. C-2581.)**

On November 19, 1920, the United States attorney for the Northern District of Illinois, 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 2,313 cases of soup vegetables, at Chicago, Ill., alleging that the article had been shipped by the Portland Evaporating Co., Portland, Ore., on April 22 and June 12, 1918, respectively, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further

reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On April 15, 1921, no claimant having appeared for the property, judgment 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.*

**9295. Adulteration of canned prunes. U. S. \* \* \* v. 100 Cases \* \* \* of Prunes. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14008. I. S. No. 4159-t. S. No. C-2698.)

On December 11, 1920, the United States attorney for the Northern District of Illinois, 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 100 cases, more or less, of prunes, at Chicago, Ill., alleging that the article had been shipped by the Puyallup & Sumner Fruit Growers Canning Co., Puyallup, Wash., on October 26, 1920, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On April 15, 1921, no claimant having appeared for the property, judgment 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.*

**9296. Adulteration of canned strawberries. U. S. \* \* \* v. 294 Cases \* \* \* of Strawberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14080. I. S. No. 1988-t. S. No. C-2648.)

On December 17, 1920, the United States attorney for the Northern District of Illinois, 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 294 cases, more or less, each containing 6 cans, of strawberries, at Chicago, Ill., alleging that the article had been shipped by the Friday Bros. Canning Co., Coloma, Mich., on July 19, 1919, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Home Comfort Brand Michigan Strawberries in Syrup. Contents 6 lbs. 4 ozs. Grown and packed by Friday Bros. Canning Co., Coloma, Mich."

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

On April 15, 1921, no claimant having appeared for the property, judgment 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.*

**9297. Adulteration of canned corn. U. S. \* \* \* v. 240 Dozen \* \* \* Cans of Corn. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14403. I. S. No. 2060-t. S. No. C-2773.)

On February 7, 1921, the United States attorney for the Northern District of Illinois, 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 240 dozen cans, more or less, of corn, at Chicago, Ill., alleging that the article had been shipped by the Vaux Canning Co., Faribault,