

to wit, an alimentary paste containing little or no egg, prepared in imitation of egg noodles, and was offered for sale and sold under the distinctive name of another article, to wit, egg noodles.

On June 9, 1921, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9541. Adulteration and misbranding of Plum Point Brand tomatoes. U. S. * * * v. 175 Cases of * * * Plum Point Brand Tomatoes * * * Consent decree of condemnation and forfeiture. Product ordered released on bond for relabeling. (F. & D. No. 14175. I. S. No. 8692-t. S. No. E-3046.)

On January 12, 1921, 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 a libel for the seizure and condemnation of 175 cases, more or less, of canned tomatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by H. M. Gleason & Co., Charlottesville, Va., on November 27, 1920, and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Plum Point Brand Tomatoes Contents 2 Lbs. Packed By The Plum Point Canning Co. Plum Point, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, tomato pulp, had been mixed and packed with, and substituted wholly or in part for, the article, and for the further reason that said article had been mixed in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Plum Point Brand Tomatoes" (design showing red, ripe tomato) "Contents 2 Lbs," was false and misleading and deceived and misled the purchaser, for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that said article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 3, 1921, Albert N. Faulkner, Walter Weber, and Thomas J. Faulkner, trading as the Plum Point Canning Co., claimants, having filed their claim for the property, petitioning the court for the release of the same to them, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimants upon payment of all the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that the goods be relabeled in a manner satisfactory to this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9542. Adulteration and misbranding of vinegar. U. S. * * * v. 12 Barrels of Vinegar * * * Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14179. I. S. No. 2325-t. S. No. C-2681.)

On January 17, 1921, the United States attorney for the Eastern 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 12 barrels, more or less, of vinegar, consigned by the National Vinegar Co., St. Louis, Mo., remaining unsold in the original unbroken packages