

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of saccharin and 48 per cent of sugar, and was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard, strength, quality, and purity of such article as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the said article was labeled "10 Lbs. Sach." and invoiced as "10 Lbs. Saccharin," which was false and misleading in that it contained a considerable quantity of sugar.

On May 7, 1920, 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.

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

9573. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,000 Cases of Canned Tomatoes. Consent decree finding product to be adulterated and misbranded. Product released under bond. (F. & D. No. 14217. I. S. Nos. 6301-t, 7507-t. S. No. E-3049.)

On January 20, 1921, the United States attorney for the District of Connecticut, 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 1,000 cases of canned tomatoes, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Libby, McNeill & Libby, Wyoming, Del., on or about May 27, 1920, and transported from the State of Delaware into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "* * * Happy-Vale Brand Tomatoes * * * Guaranteed by and Packed for Emery Food Co. Main Office Chicago."

Adulteration of the article was alleged in the libel for the reason that it contained added tomato pulp, which had been mixed and packed with, and substituted wholly or in part for, the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement on the label of each can thereof, to wit, "Happy-Vale Brand Tomatoes," together with a design showing a whole ripe tomato, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 9, 1921, the Emery Food Co., Chicago, Ill., having filed its claim and answer admitting the allegations of the libel with the exception of the allegation relative to the adulteration of the product, and having consented to a decree, judgment was entered finding the product adulterated and misbranded, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,123, in conformity with section 10 of the act, conditioned in part that the article be relabeled by placing on each of the cans containing the same a label bearing the statement, "Tomatoes with Puree from Trimmings."

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

9574. Adulteration and misbranding of tankage. U. S. * * * v. Morris & Co., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 9303. I. S. No. 19715-m.)

On January 14, 1919, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for said district an information against Morris & Co., a corporation, trading at Omaha, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 8, 1916, from the State of Nebraska into the State of Iowa, of a quantity of tankage which was adulterated and misbranded. The article was labeled in part, "* * * Morris & Company's Big Brand Meat Meal Digester Tankage * * * Guaranteed Analysis Protein 60% * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 47.44 per cent of protein. Mechanical examination showed the presence of approximately 0.16 per cent of ground glass that could be separated out.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, glass, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, and had been substituted in part for meat meal, which the article purported to be. Adulteration was alleged for the further reason that the article contained an added deleterious ingredient, to wit, glass, which rendered it injurious to health.

Misbranding was alleged for the reason that the statements, to wit, "Meat Meal," "Guaranteed Analysis Protein 60%," and "Meat Products," borne on the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article consisted wholly of meat products and that it contained not less than 60 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of meat products and that it contained not less than 60 per cent of protein, whereas, in truth and in fact, it did not consist wholly of meat products but did consist in part of glass, and the said article contained less than 60 per cent of protein, to wit, approximately 47.44 per cent.

On April 5, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

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

9575. Adulteration of shell eggs. U. S. * * * v. Buford W. Hayden (B. W. Hayden Poultry Co.). Plea of guilty. Fine, \$10. (F. & D. No. 12371. I. S. No. 2539-r.)

On July 23, 1920, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Buford W. Hayden, trading as the B. W. Hayden Poultry Co., Benkleman, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 18 and 20, 1919, respectively, from the State of Nebraska into the State of Colorado, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample consisting of 5 half cases or 900 eggs taken from both consignments of the product showed the presence of 157, or 17.4 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On March 7, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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