

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

On October 9, 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.*

9578. Adulteration of tomato purée. U. S. * * * v. 49 Cases * * * of * * * Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12640. I. S. No. 10796-r. S. No. C-1939.)

On May 21, 1920, the United States attorney for the District of Kansas, 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 49 cases, more or less, of tomato purée, remaining unsold in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about October 21, 1919, and transported from the State of Indiana into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Scott Co. Brand Tomato Puree."

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

On September 27, 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.*

9579. Misbranding of dairy feed. U. S. * * * v. H. L. Halliday Milling Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 10047. I. S. No. 6110-r.)

On July 15, 1919, 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 an information against the H. L. Halliday Milling Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about June 1 or June 24, 1918, from the State of Illinois into the State of Mississippi, of a quantity of dairy feed which was misbranded. The article was labeled in part: "* * * Halliday's Standard Dairy Feed * * * Guaranteed Average Analysis Protein 16% Fat 2½% * * * by H. L. Halliday Milling Co., Cairo, Illinois."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 1.60 per cent of fat and 11.5 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Average Analysis Protein 16% Fat 2½%," borne on the tags attached to the sacks containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 16 per cent of protein and not less than 2½ per cent of fat, and for the further reason that the article was labeled so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein and not less than 2½ per cent of fat, whereas, in truth and in fact, it did contain less than 16 per cent of protein and less than 2½ per cent of fat, to wit, approximately 11.5 per cent of protein and approximately 1.60 per cent of fat.

On October 20, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

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