

**9993. Adulteration and misbranding of Port Hot, Konyak, red grape, and orange beverages. U. S. \* \* \* v. 3 Kegs of Port Hot, 2 Kegs of Konyak, 1 Keg of Red Grape, and 1 Keg of Orange. Default decree finding product to be adulterated and misbranded and ordering its destruction. (F. & D. Nos. 14242, 14243, 14244, 14245, 14246, 14247. Inv. Nos. 27373, 27374, 27375, 27401, 27402, 27403, 27404. S. Nos. C-2700, C-2701, C-2703, C-2709, C-2710, C-2711.)**

On January 28, 1921, the United States attorney for the Western District of Arkansas, 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 kegs of Port Hot, 2 kegs of Konyak, 1 keg of red grape, and 1 keg of orange beverages, at Paris and Ratcliff, Ark., respectively, alleging that the articles had been shipped by the Arlette Fruit Products Co., St. Louis, Mo., on or about December 3, 1920, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, (keg) "Port Hot," "Konyak," "Red Grape," and "Orange Flavor," respectively. The articles with the exception of the "Red Grape" were further labeled in part, "\* \* \* The contents of this package guaranteed to comply with all laws \* \* \*

Adulteration of the articles was alleged in substance in the libel for the reason that an artificially colored beverage preserved with benzoate of soda had been mixed and packed with and substituted for the said articles, and for the further reason that they contained a poisonous and deleterious ingredient (saccharin), which rendered them injurious to health.

Misbranding of the articles was alleged in substance in the libel for the reason that the above-quoted statements contained on the labels were untrue.

On August 11, 1921, no claimant having appeared for the property, judgment of the court was entered finding the products to be adulterated and misbranded and ordering their destruction by the United States marshal.

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

**9994. Misbranding of cottonseed cake. U. S. \* \* \* v. Houston County Oil Mill & Mfg. Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14337. I. S. No. 18814-r.)**

On March 15, 1921, the United States attorney for the Eastern District of Texas, 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 Houston County Oil Mill & Mfg. Co., a corporation, Crockett, Tex., alleging shipment by said company, on or about January 5, 1920, in violation of the Food and Drugs Act, as amended, from the State of Texas into the State of Arkansas, of a quantity of unlabeled cottonseed cake which was misbranded.

Misbranding of the article was alleged in the information for the 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.

On April 25, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

**9995. Adulteration of tomato purée. U. S. \* \* \* v. 9 Cases of \* \* \* Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14577. I. S. No. 3142-t. S. No. C-2829.)**

On March 2, 1921, the United States attorney for the Eastern District of Kentucky, 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 9 cases of tomato purée, remaining unsold in the original packages at Frankfort, Ky., consigned by the Morgan Packing Co., Austin, Ind., September 16, 1920, alleging that the article had been shipped from Austin, Ind., and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Scott Co. Brand Tomato Puree \* \* \* Morgan Packing Co. Austin, Ind."

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

On September 26, 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.

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

**9996. Adulteration and misbranding of chocolate coating. U. S. \* \* \* v. 20 Cases and 96 Cases of Alleged Chocolate Coating. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14971, 14971-a, 15037, 15038. I. S. No. 10760-t. S. No. W-957.)**

On June 3 and 15, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 20 cases and 96 cases of alleged chocolate coating, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Boldemann Chocolate Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about the respective dates June 4, August 4, and October 28, 1920, and transported from the State of California into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Boldemann's Sweet Coating Coaxer Made by Boldemann Chocolate Company, San Francisco, Calif."

Adulteration of the article was alleged in the libels for the reason that excessive cocoa shells had been mixed and packed with, and substituted in part for, the said article, and for the further reason that the article was mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statement "Sweet Coating" was false and misleading and deceived and misled the purchaser when applied to an imitation sweet chocolate containing excessive cocoa shells. Misbranding was alleged for the further reason that the article was an imitation of, and offered for sale under the distinctive name of, another article.

On July 27, 1921, the W. C. Nevin Candy Co., Denver, Colo., having entered an appearance as claimant for a portion of the property, and the Boldemann Chocolate Co., San Francisco, Calif., having entered an appearance as claimant for the remainder thereof, and the claimants having admitted the allegations of the libels and consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act.

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