

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.*