

On November 7, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

10018. Adulteration of tomato pulp. U. S. * * * v. 17 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15141. I. S. No. 5085-t. S. No. E-3425.)

On July 16, 1921, the United States attorney for the District of Massachusetts, 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 17 cases, each containing 6 unlabeled cans, of tomato pulp, remaining unsold in the original unbroken packages at Cambridge, Mass., alleging that the article had been shipped by the Lin-Del Co., Inc., Middleport, N. Y., on or about May 7, 1921, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

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 vegetable substance.

On November 14, 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.*

10019. Misbranding of olive oil. U. S. * * * v. 8 Cases * * *, 40 Cases * * *, and 12 Cases * * * of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15668. I. S. Nos. 3544-t, 3545-t, 3546-t. S. No. C-3335.)

On November 29, 1921, the United States attorney for the District of Minnesota, 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 8 cases, half-pint cans, 40 cases, pint cans, and 12 cases, quart cans, of olive oil, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Old Monk Olive Oil Co., Chicago, Ill., October 21, 1921, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "France Old Monk Trade Mark Olive Oil Virgin * * * Net Contents One Half Pint" (or "One Pint" or "One Quart").

Misbranding of the article was alleged in the libel for the reason that the statements on the respective sized cans, "Net Contents One Half Pint," "One Pint," or "One Quart," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 2, 1921, the Old Monk Olive Oil Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

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

10020. Adulteration and misbranding of ground barley. U. S. * * * v. Upton Mill & Elevator Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13928. I. S. Nos. 12161-r, 12173-r, 24627-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, 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 Upton Mill & Elevator Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Indiana, on or about August 28, 1919, of two consignments of ground barley, and on or about August 30, 1919, of one consignment of the same, all of which was adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the shipment of August 30 contained at least 12 per cent of oats, including wild oats, that one shipment of August 28 contained about 12 per cent of oats, including wild oats, a little chaff, and weed seeds, and that the

other shipment of August 28 contained at least 9 per cent of oats, including wild oats, and a small amount of weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the article purported to be.

Misbranding was alleged for the reason that the article was a mixture composed in part of oats, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, ground barley, and for the further 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. Misbranding was alleged with respect to a portion of the said article for the further reason that the statement, to wit, "Gr-Barley," borne on the tags attached to the sacks containing the said article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of ground barley, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of ground barley, whereas, in truth and in fact, the said article did not so consist but did consist in part of oats, weed seeds, and other foreign material.

On October 4, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

10021. Adulteration and misbranding of ground barley. U. S. * * * v. Gould Grain Co., a Corporation. Plea of guilty. Fine, \$1. (F. & D. No. 13929. I. S. No. 12165-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, 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 Gould Grain Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company, on or about September 5, 1919, in violation of the Food and Drugs Act, as amended, from the State of Minnesota into the State of Indiana, of a quantity of ground barley which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained at least 7 per cent of oats, including wild oats, also a considerable amount of weed seeds.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oats, weed seeds, and other foreign material, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for ground barley, which the said article purported to be.

Misbranding was alleged for the reason that the article was a mixture composed in part of oats, weed seeds, and other foreign material, and was prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, ground barley. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 7, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

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

10022. Adulteration and misbranding of whole ground barley. U. S. * * * v. Albert Dickinson Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 13931. I. S. No. 12166-r.)

On May 17, 1921, the United States attorney for the District of Minnesota, 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 Albert Dickinson Co., a corporation, trading at Minneapolis, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 27, 1919, from the State of Minnesota into the State of Indiana, of a quantity of whole ground barley which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.51 per cent of crude fiber. Examina-