

10294. Adulteration and misbranding of flour macaroni. U. S. * * * v. 93 Boxes of Flour Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 14378. I. S. No. 12131-t. S. No. W-853.)

On February 8, 1921, the United States attorney for the District of Nevada, 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 93 boxes of flour macaroni, at Reno, Nev., alleging that the article had been shipped by the California Macaroni Co., San Francisco, Calif., on or about September 16, 1920, and transported from the State of California into the State of Nevada, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted (in part) for the said article. Adulteration was alleged for the further reason that the said article had been mixed with water in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the cases containing the said article bore the following label, to wit, "Flour Macaroni, Net Contents 6 Lbs. California Macaroni Co. Manufacturers of Alimentary Paste, San Francisco * * *" which statements were false and misleading in that the contents of the said cases were not flour macaroni, but were a mixture of flour macaroni and water, and for the further reason that the said contents were an imitation of, and were offered for sale under the distinctive name of, another article, to wit, flour macaroni.

On June 7, 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 sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10295. Adulteration of shell eggs. U. S. * * * v. Joe Lindsey and Robert E. Butler (Lindsey & Co.). Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 14905. I. S. No. 387-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joe Lindsey and Robert E. Butler, trading as Lindsey & Co., Choteau, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 2, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed the presence of 72, or 10 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

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

On February 23, 1922, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

10296. Adulteration of canned peaches. U. S. * * * v. 176 Cases of * * * Canned Peaches. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14949. I. S. No. 13477-t. S. No. C-2905.)

On May 20, 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 176 cases of canned peaches, remaining unsold in the original packages at Ashland, Ky., consigned by the C. L. Applegarth Co., Baltimore, Md., on or about September 15, 1919, alleging that the article had been shipped from Baltimore, Md., and transported from the State of Maryland into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shield Brand Pie Peaches * * * J. S. Farren & Co., Inc., Distributors, Baltimore, Md. * * *"