

and conspicuously marked on the outside thereof, since the quantity marked on the outside of said packages was not correct.

On October 4, 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 delivered to the Salvation Army for consumption and not for sale.

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

10505. Adulteration of scallops. U. S. * * * v. John M. Lewis, Benny P. Way, and Brady C. Way (trading as The John M. Lewis Fish House, or Way Bros. Co.). Fine of \$10 and costs imposed in each case upon pleas of guilty. (F. & D. Nos. 14046, 15263. I. S. Nos. 208-r, 6637-t, 7538-l.)

On April 29 and November 1, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against John M. Lewis, Benny P. Way, and Brady C. Way, copartners, trading as the John M. Lewis Fish House or under the firm name and style of the Way Bros. Co., as the case might be, Beaufort, N. C., alleging shipment by said defendants, in violation of the Food and Drugs Act, in one of the informations, on or about March 11, 1920, from the State of North Carolina into the State of Massachusetts, and in the other information, on or about March 21 and 26, 1921, from the State of North Carolina into the State of New York, of quantities of an article of food, to wit, scallops, which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in each information for the reason that a substance, to wit, added water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On January 17 and April 25, 1922, respectively, pleas of guilty to the informations were entered on behalf of the defendants, and on the first-named date and on April 30, 1922, the court imposed a fine of \$10 and costs in each case.

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

10506. Adulteration and misbranding of canned kidney beans. U. S. * * * v. 25 Cases * * * of Red Kidney Beans * * *. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12509. I. S. No. 10751-r. S. No. C-1834.)

On March 12, 1920, the United States attorney for the Southern District of Iowa, 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 25 cases of red kidney beans, at Burlington, Iowa, alleging that the article had been shipped by the George Van Camp & Sons Co., Westfield, Ind., on or about November 5, 1919, and transported from the State of Indiana into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "George Van Camp's Red Kidney Beans. Contents 10 Oz. Packed by George Van Camp & Sons Company, Westfield, Indiana."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed or packed with, or substituted wholly or in part for, red kidney beans.

Misbranding was alleged in substance for the reason that the statement "Red Kidney Beans" was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On April 27, 1922, 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, with the proviso, however, that if the George Van Camp & Sons Co., the apparent owner of the property, should pay the costs of the proceedings and execute a bond in the sum of \$200, in conformity with section 10 of the act, said bond being conditioned that the said product be relabeled so as to show truthfully and ac-

curately the nature thereof, the said product should be delivered to the said George Van Camp & Sons Co. Subsequently the George Van Camp & Sons Co. filed their bond, and the product was released as provided in the decree.

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

10507. Adulteration and misbranding of cocoa. U. S. * * * v. 56 Boxes and 203 Boxes of * * * My Own Pure Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10916. I. S. Nos. 6537-r, 6538-r, 6539-r, 6540-r. S. No. C-1398.)

On August 8, 1919, the United States attorney for the Eastern District of Louisiana, 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 56 boxes and 203 boxes of "My Own Pure Cocoa," remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the National Cocoa Mills, New York, N. Y., on or about March 15, 1919, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "My Own Pure Cocoa The Cocoa contained in this package is Positively High Grade * * * It is a breakfast cocoa of Superior Quality and Excellence and similar to the highest grades of cocoa which have been awarded First Prize Gold Medals * * * Absolutely Pure * * *"; (inconspicuously rubber-stamped on side of package) "'My Own' Cocoa Compound Containing Corn Starch, Cocoa, Sugar. Net Weight $\frac{1}{2}$ Lb." (or " $\frac{1}{3}$ Lb.").

Adulteration of the article was alleged in substance in the libel for the reason that substances, to wit, sugar and starch, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby its inferiority to genuine cocoa was concealed.

Misbranding was alleged in substance for the reason that the packages containing the article bore the following statement, "My Own Pure Cocoa The Cocoa contained in this package is Positively High Grade * * * Absolutely Pure," which statement was not sufficiently corrected by the statement, inconspicuously stamped on the said package, "'My Own' Cocoa Compound Containing Corn Starch, Cocoa, Sugar," and was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was food in package form, and the contents were not plainly and conspicuously marked on the outside of the packages.

On December 12, 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.*

10508. Adulteration of tomato pulp. U. S. * * * v. 200 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8571. S. No. E-899.)

On October 18, 1917, the United States attorney for the Eastern District of New York, 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 200 cases of tomato pulp, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Booth Packing Co., Locust Point, Md., and transported from the State of Maryland into the State of New York, and was received in Brooklyn on or about October 5, 1917, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Diamond Brand Tomato Pulp * * * D. D. Mallory & Co., * * * Baltimore, Md., Distributors * * *"

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

On March 2, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

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