

10575. Adulteration of shell eggs. U. S. * * * v. Pius Leiker, Jr. (with others trading as P. Leiker & Sons). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 14727. I. S. No. 10153-t.)

On June 1, 1921, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Pius Leiker, Jr., a member of a partnership trading as P. Leiker & Sons, at Park, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 31, 1920, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "* * * From P. Leiker & Sons, Park, Kans. * * *"

Examination, by the Bureau of Chemistry of this department, of 900 eggs from the consignment showed the presence of 167, or 18.5 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

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

On October 10, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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

10576. Adulteration of Anderson's Waukesha water. U. S. * * * v. William H. Anderson. Plea of guilty. Fine, \$10. (F. & D. No. 15063. I. S. Nos. 1349-t, 2318-t.)

On October 27, 1921, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Anderson, Waukesha, Wis., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 6 and October 29, 1920, respectively, from the State of Wisconsin into the State of Illinois, of quantities of Anderson's Waukesha water which was adulterated. The article was labeled in part: (Bottle) "Genuine Anderson's Waukesha Water * * * Natural Mineral Water W. H. Anderson Proprietor * * *"

Examination of samples of the article by the Bureau of Chemistry of this department showed that the water was polluted.

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

On January 24, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

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

10577. Misbranding of sirups. U. S. * * * v. 40 Cases, et al, of Crystal White, 8 Cases, et al, of Maple Flavor, and 35 Cases, et al, of Golden Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15106. I. S. Nos. 3476-t, 3477-t, 3479-t, 3480-t. S. No. C-3085.)

On July 13, 1921, the United States attorney for the Eastern District of Wisconsin, 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 105 cases of Crystal White sirup, 25 cases of maple flavor sirup, and 165 cases of Golden sirup, remaining unsold in the original unbroken packages at Green Bay, Wis., alleging that the articles had been shipped by Penick & Ford, New Orleans, La., April 15, 1921, and transported from the State of Louisiana into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Cans) "Penick Syrup Crystal White * * * Net Weight 10 Pounds (or "5 Pounds" or "1½ Pounds") * * * Penick & Ford, Ltd., New Orleans * * *"; "Penick Syrup Maple Flavor * * * A Compound Of Corn Syrup, Sugar Syrup And Imitation Maple Flavor Net Weight 5 Pounds (or "1½ Pounds") * * *"; "Penick Syrup Golden * * * Net Weight 1½ Pounds (or "5 Pounds," "10 Pounds," or "2½ Pounds") * * *"

Misbranding of the articles was alleged in substance in the libel for the reason that the statements on the respective labels, "Net Weight 10 Pounds," "Net Weight 5 Pounds," "Net Weight 2½ Pounds," and "Net Weight 1½ Pounds," and the statement on the alleged maple flavor, "Maple Flavor," not corrected by the statement at the bottom of the label, "A Compound Of Corn Syrup, Sugar Syrup and Imitation Flavor," were false and misleading and

deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that the articles were [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the respective packages, since the amount stated was incorrect.

On July 20, 1921, Penick & Ford, Ltd., Inc., New Orleans, La., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

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

10578. Adulteration of catsup. U. S. * * * v. 167 Cases * * * of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15220. I. S. No. 13-t. S. No. C-3129.)

On July 22, 1921, 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 167 cases of catsup, at Davenport, Iowa, alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., May 16 and 17, 1921, respectively, and transported from the State of Michigan into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Royal Kitchen Tomato Catsup * * * Packed by Thomas Page, Albion, N. Y."

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 October 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 destroyed by the United States marshal.

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

10579. Misbranding of butter. U. S. * * * v. The Merritt-Schwier Creamery Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 15857. I. S. No. 10819-t.)

On April 14, 1922, the United States attorney for the District of Kansas, 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 Merritt-Schwier Creamery Co., a corporation, Great Bend, Kans., alleging shipment by said company, on or about June 1, 1921, in violation of the Food and Drugs Act, as amended, from the State of Kansas into the State of Colorado, of a quantity of butter which was misbranded.

Examination, by the Bureau of Chemistry of this department, of 60 packages from the consignment showed that the average net weight was 15.16 ounces, a shortage from the declared weight of 0.84 ounce, or 5.25 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of the said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net weight of the said article but did contain a less amount. 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 May 24, 1922, 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.*

10580. Misbranding of Texas Wonder. U. S. * * * v. 17 Bottles of Texas Wonder. Default decree ordering confiscation and destruction of the product. (F. & D. No. 11532. I. S. No. 9181-r. S. No. C-1607.)

On December 9, 1919, the United States attorney for the Northern District of Mississippi, 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 bottles of Texas Wonder, at Greenwood, Miss., alleging that