

By E. B. Holton, Webster N. Y.;" "25 Lbs. Evaporated Apples 2631 Fancy Sunset Brand Ring Packed By E. B. Holton, Webster, N. Y.;" "25 Lbs. Evaporated Apples Fancy Knox Brand Ring 2632 Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength and in that insufficiently evaporated apples had been substituted for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Evaporated Apples," was false and misleading and deceived and misled the purchaser.

On June 23, 1923, the First Brokerage Co., of Minneapolis, Minn., having appeared as claimant for the property as agent for E. B. Holton, Webster, N. Y., and having consented to the entry of 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 bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11897. Adulteration and alleged misbranding of pickles. U. S. v. 32 Cases of Sweet Pickles and 29 Cases of Sour Pickles. Default decree ordering destruction of the products.** (F. & D. No. 17547. I. S. Nos. 6819-v, 6820-v. S. No. C-3987.)

On June 2, 1923, the United States attorney for the Southern 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 praying the seizure and condemnation of 32 cases of sweet pickles and 29 cases of sour pickles, remaining in the original unbroken packages at Hattiesburg, Miss., alleging that the articles had been shipped by the Adam Bros. Co., from New Orleans, La., on or about November 22, 1922, and transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Bottles) "Mother Hubbard Brand \* \* \* Contents 6½ Fl. Oz. Sweet Pickles Packed By Adam Brothers Co. New Orleans, La. & Houston, Texas. Contains 1/10 of 1% Benzoate Of Soda;" "Mother Hubbard Brand \* \* \* Contents 6½ Fl. Oz. Sour Pickles Packed By Adam Brothers Co. New Orleans, La. & Houston, Texas."

Adulteration was alleged with respect to the sweet pickles for the reason that saccharin had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength and had been substituted wholly or in part for sugar. Adulteration was alleged for the further reason that the said sweet pickles contained an added poisonous or deleterious ingredient which would render said article injurious to health.

Misbranding was alleged with respect to the sour pickles for the reason that the statement, "6½ Fl. Oz.," was false and misleading and deceived and misled the purchaser, and 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 August 20, 1923, no claimant having appeared for the property, it having appeared to the court that the products were adulterated, it was ordered by the court that they be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11898. Adulteration and misbranding of flour. U. S. v. 610 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17666. I. S. No. 8426-v. S. No. W-1395.)

On July 25, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 610 sacks of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hustler Flour Mills, from Salt Lake City, Utah, on June 26, 1923, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "Ranier Fancy Patent Flour \* \* \* Bleached 98 Lbs. Net \* \* \* When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs. Net \* \* \* When Packed," was 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 July 28, 1923, Moore-Ferguson & Co., copartners, San Francisco, Calif., claimants, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11899. Adulteration of canned sardines. U. S. v. 17 Cases and 8 Cases of Sardines. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17771, 17772. I. S. Nos. 2771-v, 2773-v. S. Nos. E-4483, E-4484.)

On September 10, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 cases of sardines, remaining in the original unbroken packages at Philadelphia, Pa., consigned in part by the Columbian Canning Co., Lubec, Me., alleging that the article had been shipped from Lubec, Me., in part on or about August 1, 1923, and in part on or about August 11, 1923, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Champion Brand American Sardines In Cotton Seed Oil Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

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

On October 1, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11900. Adulteration of sage. U. S. v. 6 Barrels of Ground Sage and 5½ Barrels of Sage. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15761, 16102. I. S. Nos. 13074-t, 23401-t. S. Nos. C-3449, C-3515.)

On March 9 and April 18, 1922, respectively, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 6 barrels of ground sage and 5½ barrels of sage, remaining in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the St. Louis Coffee & Spice Mills, from East St. Louis, Ill., in part on or about December 23, 1921, and in part on or about February 27, 1922, and transported from the State of Illinois into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "179 Lbs. Net From St. Louis Coffee & Spice Mills, St. Louis, Mo." The remainder of the said article was labeled in part: "Rubbed Sage From St. Louis Coffee & Spice Mills, St. Louis, Mo."

Adulteration of the article was alleged in the libels for the reason that sand and dirt had been mixed and packed with and substituted wholly or in part for the said article.

On March 28, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*