

tion of chocolate cigars, and was offered for sale and sold under the distinctive name of another article, to wit, chocolate cigars.

On May 2, 1923, a plea of guilty was entered to the information, and the court imposed a fine of \$25.

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

12077. Adulteration and misbranding of lemon pie filling. U. S. v. 25 Cases of Good Luck Lemon Pie Filling. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16261. I. S. No. 8147-t. S. No. E-3861.)

On May 3, 1922, the United States attorney for the Eastern District of Pennsylvania, 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 25 cases of Good Luck lemon pie filling, at Easton, Pa., consigned by the Good Luck Food Co., Inc., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on or about April 4, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Good Luck * * * Lemon Pie Filling A Mixture For Pie, Pudding And Cake Filling * * * Good Luck Food Co., Inc. Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, imitation lemon pie filling, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing the following statements, designs, and devices regarding the article and the ingredients and substances contained, which were false and misleading: "Good Luck * * * Lemon Pie Filling A Mixture For Pie, Pudding And Cake Filling * * * Lemon Pie Filling." 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On February 26, 1924, the Good Luck Food Co., Inc., Rochester, N. Y., having withdrawn its answer denying the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be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.*

12078. Adulteration of mineral water. U. S. v. 12 Demijohns of Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17865. I. S. No. 775-v. S. No. E-4504.)

On or about October 17, 1923, the United States attorney for the Eastern District of Georgia, 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 12 demijohns of mineral water, at Savannah, Ga., alleging that the article had been shipped by the Shivar Springs, Inc., from Shelton, S. C., October 8, 1923, and transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "4 7/8 Gallons Shivar Spring Water * * * N. F. Shivar * * * From the Shivar Spring Shelton, S. C."

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

On November 5, 1923, 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.

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

12079. Misbranding of canned tomatoes. U. S. v. 578 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18080, 18081. I. S. No. 798-v. S. No. E-4594.)

On December 1, 1923, the United States attorney for the Eastern District of South Carolina, 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 578 cases of tomatoes, at Charleston, S. C., alleging that the article had been shipped by Arrington Bros., from Montvale, Va., September 29, 1923, and transported from the State of Virginia into the State

of South Carolina, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Smyrna Special Brand * * * Hand Packed Tomatoes Contents 2 Pounds * * * Packed By Arrington Bros Montvale, Va."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the said cans contained less than 2 pounds of the said article.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the labels, "Contents 2 Pounds," 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 packages.

On January 21, 1924, 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.

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

12080. Adulteration of canned spinach. U. S. v. 1,200 Cases of Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16753. I. S. No. 2027-v. S. No. E-4129.)

On August 16, 1922, the United States attorney for the Western District of Pennsylvania, 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 1,200 cases of spinach, at Pittsburgh, Pa., alleging that the article had been shipped by the San Francisco Packing Co., San Francisco, Calif., on or about May 1, 1922, and transported from the State of California into the State of Pennsylvania, 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 July 31, 1923, 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 and that all costs be paid by the San Francisco Packing Co.

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

12081. Adulteration of apricots. U. S. v. 132 Sacks of Apricots. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18014. I. S. No. 15788-v. S. No. E-4575.)

On November 13, 1923, the United States attorney for the Southern 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 praying the seizure and condemnation of 132 sacks of apricots, at New York, N. Y., alleging that the article had been shipped by the California Prune & Apricot Growers, Inc., San Jose, Calif., on or about May 16, 1922, and transported from the State of California into the State of New York, 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 part of a filthy, decomposed, and putrid vegetable substance.

On February 21, 1924, upon consent of the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant, Alexander Palestine & Co., Inc., pay the costs of the proceedings.

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

12082. Adulteration of shell eggs. U. S. v. Mary H. Wright and Tobe Wright. Dismissed as to Mary H. Wright. Plea of guilty by Tobe Wright. Fine, \$10 and costs. (F. & D. No. 17927. I. S. Nos. 6891-v, 6892-v.)

On January 30, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mary H. Wright and Tobe Wright, trading as the Elmore Wright Estate, Winnsboro, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely on or about July 18 and 19, 1923, respectively, from the State of Texas into the State of Louisiana, of quantities of eggs