

12229. Adulteration and misbranding of lemon extract. U. S. v. S40 Bottles of Lemon Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15785. I. S. No. 18431-t. S. No. C-3466.)

On March 22, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 15, 1922, an amended libel, praying the seizure and condemnation of 700 1-ounce bottles, 50 2-ounce bottles, and 90 4-ounce bottles of lemon extract, at Little Rock, Ark., alleging that the article had been shipped by the Continental Drug Corp., from St. Louis, Mo., on or about March 25, 1921, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "The Original Package Line Purity * * * Ext. Of Lemon * * * Purity and Strength Guaranteed By Continental Drug Corp. * * * St. Louis 1 Oz. (or "2 Oz." or "Contents 4 Ounces.")

Adulteration of the article was alleged in substance in the libel for the reason that a substance, namely, a diluted lemon extract, had been mixed and packed with and substituted in part for extract of lemon. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore the statement, "Ext. Of Lemon," regarding the ingredients or substances contained in the article, which was false and misleading and deceived and misled the purchaser, since the said article was in fact a diluted extract of lemon. 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, namely, extract of lemon. Misbranding was alleged with respect to the product involved in the 4-ounce bottles for the further reason that it 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, 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.*

12230. Misbranding of olive oil. U. S. v. 38 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 16086, 16087. I. S. Nos. 13910-t, 13911-t, 13914-t. S. Nos. W-1064, W-1065.)

On April 10, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 half-gallon cans and 43 quarter-gallon cans of olive oil, remaining in the original unbroken packages in part at Trinidad, Colo., and in part at Pueblo, Colo., consigned by the Nasiacos Importing Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., in various consignments between the dates of September 14, 1921, and February 16, 1922, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: "Athlete Brand Pure Olive Oil * * * Nasiacos Importing Co., Chicago, Ill."

Misbranding of the article was alleged in substance in the libels for the reason that the statement, to wit, "Contents * * * ½ Gallon," appearing in conspicuous type on the alleged half-gallon cans and the statement, to wit, "Contents * * * ¼ Gallon," appearing in conspicuous type on the alleged quarter-gallon cans, were false and misleading and not sufficiently corrected by the respective statements in smaller and inconspicuous type, namely, "60 fl. * * * ozs.," immediately underneath the larger type, on the said half-gallon cans, and, "30 fl. * * * ozs.," immediately underneath the larger type on the said quarter-gallon cans, and for the further reason that the said statements deceived and misled the purchaser, in that the net contents of the said cans were less than one-half gallon and one-quarter gallon, respectively. 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 26 and April 30, 1923, respectively, 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 sold by the United States marshal.

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

12231. Adulteration of walnuts. U. S. v. 96 Bags of Walnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18126. I. S. No. 15797-v. S. No. E-4626.)

On December 3, 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 96 bags of walnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Marcel Carleu Syndicat Noix, from Havre, France, on or about November 17, 1922, and transported from a foreign country 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 whole or in part of a filthy, decomposed vegetable substance.

On March 18, 1924, J. Kutsukian & Co., claimant, having admitted the allegations of the libel and 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 \$1,500, in conformity with section 10 of the act, conditioned in part that it be sorted to the satisfaction of this department and the bad portion destroyed.

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

12232. Adulteration of shell eggs. U. S. v. 17 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17757. I. S. No. 4247-v. S. No. C-4089.)

On August 6, 1923, the United States attorney for the Northern District of Illinois, 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 17 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by O. J. Campbell from Richland Center, Wis., July 27, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On August 31, 1923, Leserman Bros., Chicago, Ill., claimant, having admitted the material allegations of the libel and 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

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

12233. Adulteration of shell eggs. U. S. v. 143 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17758. I. S. No. 4248-v. S. No. C-4101.)

On August 9, 1923, the United States attorney for the Northern District of Illinois, 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 143 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by A. H. Halvorson, from Ceylon, Minn., August 2, 1923, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

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

On August 22, 1923, William Ebeling, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree,