

12462. Adulteration of coal-tar color. U. S. v. 1 Can of Coal-Tar [Color]. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14674. I. S. No. 12756-t. S. No. C-2896.)

On March 26, 1921, 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 a libel praying the seizure and condemnation of 1 can of coal-tar [color] at Sulphur Springs, Texas, alleging that the article had been shipped by the Wood Mfg. Co., St. Louis, Mo., [on or about] March 2, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "5 Lbs. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Number 10 Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with a substitute [and substituted] wholly or in part for the said article, and for the further reason that it contained an added poisonous and deleterious ingredient, arsenic, which rendered it injurious to health.

On February 18, 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, *Secretary of Agriculture.*

12463. Adulteration of butter. U. S. v. 97 Barrels, More or Less, of Packing Stock Butter. Decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18159. I. S. No. 599-v. S. No. E-4618.)

On December 13, 1923, the United States attorney for the District of New Jersey, 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 97 barrels, more or less, of packing stock butter, at Jersey City, N. J., alleging that the article had been shipped by the Central Produce Co., Temple, Texas, on or about June 6, 1923, and that a certain quantity of the product had been added en route by the consignee at Dallas, Texas, and that the product had been transported from the State of Texas into the State of New Jersey, 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 animal substance.

On February 20, 1924, Fred D. Oetjen having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be shipped to Middletown, Md., to be reconditioned. Subsequently an amended decree was entered, providing 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 \$8,000, in conformity with section 10 of the act, conditioned that the product be examined by a representative of this department and such portion as was fit for manufacture into renovated butter be shipped to Kansas City, Mo., the product to be again examined by this department and the good portion released for food purposes and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12464. Adulteration and misbranding of canned cherries. U. S. v. 40 Cases of Canned Cherries. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16821. I. S. No. 549-t. S. No. C-3806.)

On September 19, 1922, the United States attorney for the Northern District of Ohio, 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 40 cases of canned cherries at Tiffin, Ohio, alleging that the article had been shipped by Mikesell & Co. from Traverse City, Mich., on or about July 13, 1922, and transported from the State of Michigan into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Grand Traverse Brand * * * Red Pitted Sour Cherries in Juice Contents Number 2 Can 1 Lb. 3 oz. Number 10 Can 6 Lbs. 9 oz. * * * Mikesell & Company Traverse City, Michigan."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of decomposed vegetable substance.