

On April 29, 1924, no claimant having appeared for the property, after submission of evidence by the Government, a 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.*

12773. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17985. I. S. Nos. 1976-v, 2159-v. S. No. B-4566.)

On November 8, 1923, the United States attorney for the Western 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 50 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., on or about October 13, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines In Cotton Seed Oil Packed by L. D. Clark & Son, Eastport, Maine."

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 October 15, 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.*

12774. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18983. I. S. No. 20174-v. S. No. W-1547.)

On August 8, 1924, 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 three cases of butter at San Francisco, Calif., alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., July 26, 1924, and transported from the State of California into the Territory of Hawaii (returned by the consignor to San Francisco), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Parkdale Brand Creamery Butter 1 Pound Net Weight Distributed by Western Meat Co., San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight" was false and misleading and deceived and misled the purchaser, and 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 October 8, 1924, the Western Meat Co., San Francisco, Calif., claimant, 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 \$100, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12775. Adulteration and misbranding of lemon extract. U. S. v. Shepard Baking Powder Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 15575. I. S. No. 177-t.)

On January 10, 1922, the United States attorney for the Eastern District of Missouri, 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 Shepard Baking Powder Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about June 21, 1921, from the State of Missouri into the State of Illinois, of a quantity of lemon extract which was adulterated and misbranded. The article was labeled in part: (Bottle) "Keystone Brand Terpeneless Lemon Extract * * * Manufactured by Shepard Baking Pwd. Co. St. Louis."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a dilute terpeneless extract of lemon, deficient in citral.

Adulteration of the article was alleged in the information for the reason that a diluted terpeneless lemon extract, deficient in citral, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for terpeneless lemon extract, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Terpeneless Lemon Extract," borne on the labels attached to the bottles containing the article, was false and misleading in that the said statement represented that the article was genuine terpeneless lemon extract, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was genuine terpeneless lemon extract, whereas, in truth and in fact, it was not genuine terpeneless lemon extract but was a diluted terpeneless extract of lemon, deficient in citral.

On May 15, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12776. Adulteration and misbranding of mustard. U. S. v. Libby, McNeill & Libby, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13921. I. S. No. 2175-r.)

On February 7, 1921, 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 an information against Libby, McNeill & Libby, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about October 3, 1918, from the State of Illinois into the State of California, of a quantity of mustard which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained wheat starch and was colored with turmeric.

Adulteration of the article was alleged in the information for the reason that cereal products had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, for the further reason that cereal products had been substituted in part for mustard, which the said article purported to be, and for the further reason that it was a product inferior to mustard, to wit, a product composed in part of cereal products prepared in imitation of mustard, and was colored with turmeric so as to simulate the appearance of mustard in a manner whereby its inferiority to mustard was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Mustard," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of mustard, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of mustard, whereas, in truth and in fact, it did not so consist but did consist in part of cereal products artificially colored. Misbranding was alleged for the further reason that the article was a mixture composed in part of cereal products artificially colored with turmeric, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, mustard.

On February 6, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12777. Misbranding of DeWitt's eclectic cure. U. S. v. 7 Dozen Bottles of Dr. DeWitt's Electric [Eclectic] Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16486. S. No. E-3991.)

On July 12, 1922, the United States attorney for the Northern District of Florida, 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 7 dozen bottles of Dr. DeWitt's electric [eclectic] cure, remaining in the original unbroken packages at Cotton Bluff, Fla., alleging that the article had been shipped by the W. J. Parker Co., Baltimore, Md., on or about March 21, 1922, and transported from the State of Maryland into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.