

13003. Adulteration of Brazil nuts. U. S. v. 438 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 19111. I. S. No. 13174-v. S. No. E-4999.)

On November 6, 1924, the United States attorney for the Eastern 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 438 bags of Brazil nuts, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by B. Levy & Co., from Manaos, Brazil, March 14, 1924, to Brooklyn, N. Y., 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, or putrid vegetable substance.

On December 1, 1924, Paul Bertuch & Co., New York, N. Y., claimant having admitted the allegations of the libel 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 \$7,800, in conformity with section 10 of the act, conditioned in part that it be reconditioned, and the bad portion destroyed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

13004. Adulteration and misbranding of tankage. U. S. v. 5 Sacks of Garbage Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17234. I. S. No. 10444-v. S. No. C-3876.)

On January 16, 1923, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 100-pound sacks of garbage tankage, at Kansas City, Kans., alleging that the article had been shipped by the Kornfalfa Feed Milling Co., Kansas City, Mo., on or about December 29, 1922, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Garbage Tankage."

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 and animal matter. Adulteration was alleged for the further reason that the article contained added poisonous and deleterious ingredients, which rendered it totally unfit for the purpose for which it was intended.

Misbranding was alleged for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the sacks containing the said article, and for the further reason that the label on the said sacks was calculated to deceive and mislead the purchaser to believe that he was purchasing tankage, when, in truth and in fact, the product was not tankage but was a foreign product purporting to be tankage.

On January 19, 1925, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

13005. Misbranding of flavoring extract. U. S. v. 46 Bottles of Golden Glow Flavoring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19173. I. S. No. 15559-v. S. No. E-5010.)

On November 17, 1924, 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 46 bottles of Golden Glow flavoring, at Erie, Pa., alleging that the article had been shipped by Arthur L. Leech Co., from Kennebunk, Me., on or about October 22, 1924, and transported from the State of Maine into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Leech's Golden Glow Products * * * Golden Glow Flavoring Containing The Pure Crystalized Principal Aromatic Constituent of the Vanilla Bean * * * Manufactured and Guaranteed by The Arthur L. Leech Co. * * * Kennebunk, Maine."