

State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Neptune Brand American Sardines In Cotton Seed Oil Seacoast Canning Co. Eastport, Maine."

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 animal substance.

On March 3, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13169. Adulteration of butter. U. S. v. 31 Tubs and 34 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. Nos. 19834, 19851. I S. Nos. 23134-v, 23137-v. S. Nos. C-4648, C-4657.)

On February 11 and 17, 1925, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 65 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Twin City Creamery Co., from Minneapolis, Minn., in part February 6 and in part February 11, 1925, 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 the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On March 18, 1925, the cases having been consolidated into one action and the Twin City Creamery Co., Minneapolis, Minn., claimant, having admitted the allegations of the libels 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to contain not less than 80 per cent of milk fat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13170. Adulteration and misbranding of tomato sauce and tomato pulp. U. S. v. 50 Cases of Tomato Sauce and Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19487. I. S. No. 13457-v. S. No. E-4905.)

On January 12, 1925, 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 50 cases of tomato sauce and tomato pulp, consigned from San Francisco, Calif., remaining in the original unbroken packages at New York N. Y., alleging that the article had been shipped by the Greco Canning Co., on or about November 26, 1924, in interstate commerce, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce" (or "Pulp") "Packed By Greco Canning Co. San Jose * * * Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially-colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce" or "Tomato Pulp," as the case might be, borne on the labels, was false and misleading and deceived and misled the purchaser.

On March 19, 1925, Charles F. Martorelli, 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 \$600, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department so that the said labels bear the statement "Artificially Colored."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13171. Misbranding and alleged adulteration of canned tomatoes. U. S. v. 1,200 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19460. I. S. No. 6280-v. S. No. C-4050.)

On January 2, 1925, the United States attorney for the Southern 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 1,200 cases of canned tomatoes, at Kingsville, Tex., alleging that the article had been shipped by the H. J. McGrath Co., from New York, N. Y., on or about September 27, 1924, and transported from the State of New York into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Champion Brand Tomatoes. Contents 10 Oz. Packed by The H. J. McGrath Co. Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its strength or quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Tomatoes," regarding the article or the ingredients or substances contained therein, which was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On March 21, 1925, the H. J. McGrath Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 relabeled so as to show the amount of added water.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13172. Misbranding of National hog remedy. U. S. v. Hamilton C. Moorman (National Livestock Remedy Co.). Defendant demurs to information. Demurrer overruled. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 8612. I. S. No. 12709-m.)

On May 29, 1918, 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 Hamilton C. Moorman, trading as the National Livestock Remedy Co., Chicago, Ill., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about March 14, 1917, from the State of Illinois into the State of Ohio, of a quantity of National hog remedy which was misbranded. The article was labeled in part: (Sack) "National Hog Remedy Made Only By National Live Stock Remedy Co. Chicago, Ill. Directions Inside."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of sodium sulphate, ferrous sulphate, and carbon, with a small amount of wormseed and other plant tissue.

Misbranding of the article was alleged in the information for the reason that the statements regarding its therapeutic and curative effects, appearing in the circular accompanying the said article, to wit, "National Hog Remedy * * * Swine Plague * * * can be prevented by the use of National Hog Remedy" and "National Hog Remedy * * * Swine Plague * * * Treatment * * * Give * * * National Hog Remedy," were false and fraudulent, in that the said statements represented that the article was effective as a preventive of swine plague and was effective as a treatment for swine plague, whereas, in truth and in fact, it was not.

On December 27, 1923, the case was called for hearing on demurrer filed by the defendant on April 2, 1920, and the demurrer was overruled by the court. On March 26, 1925, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*