

1924, and transported from the State of California into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Tomato Sauce Salsa Di Pomodoro Vittorio Emmanuele Brand" (cut of tomatoes). The remainder of the said article was labeled in part: (Can) "Naples Style Tomato Sauce Salsa Di Pomodoro Contadina Brand With Basil * * * Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. San Jose, Cal." (cut of ripe red tomatoes and field of tomatoes).

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, artificially-colored tomato paste, or sauce, had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing certain statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading, in that they represented that the article was tomato sauce, whereas it was composed of tomato sauce and artificially-colored tomato paste, or sauce.

On April 2, 1925, Giacomo Foti, Philadelphia, Pa., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings.

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

13230. Adulteration and misbranding of rice. U. S. v. 543 Bags of Rice. Tried to the court and a jury. Verdict for the Government. Product released under bond. (F. & D. No. 19045. I. S. No. 3553-v. S. No. E-4972.)

On October 4, 1924, the United States attorney for the District of Porto Rico, 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 543 bags of rice, at San Juan, P. R., alleging that the article had been shipped by J. W. Berengher, New Orleans, La., on or about November 19, 1923, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Rice 100 Lbs. Net When Packed."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

Misbranding was alleged for the reason that the label bore the statement "100 Lbs. Net When Packed," which 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, since the statement made was not correct.

On November 26, 1924, J. W. Berengher, New Orleans, La., having appeared as claimant for the property, the case came on for trial before the court and a jury, and a verdict for the Government was returned. On January 5, 1925, the claimant having failed to take the product down under bond as provided in the court order dated December 10, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold. On January 31, 1925, the proceedings for the said sale having been stayed by agreement, and the claimant having tendered a bond in the sum of \$3,000, it was ordered by the court that the said product be released to the claimant upon payment of costs, conditioned that the product not be used for human consumption.

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

13231. Adulteration and misbranding of nitroglycerin tablets and codeine sulphate tablets. U. S. v. Burrough Bros. Mfg. Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19312. I. S. Nos. 5257-v, 17835-v, 17836-v, 17840-v, 18661-v, 19439-v.)

On March 14, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Burrough Bros. Mfg. Co., a corporation, trading at Baltimore, Md., alleging shipment by said company, in various consignments, namely, on or about November 7, 1923, and May 14, 1924, respectively, from the State of Maryland into the State of Mis-