

13769. Adulteration and misbranding of tomato paste. U. S. v. 165 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20344. I. S. No. 3911-x. S. No. C-4808.)

On or about August 12, 1925, the United States attorney for the Eastern District of Louisiana, 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 165 cases of tomato paste, at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co., Inc., from Buena Park, Calif., on or about July 7, 1925, and transported from the State of California into the State of Louisiana and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kitty Brand Tomato Paste Net Contents 6 Oz. Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

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

Misbranding was alleged for the reason that the statement, borne on the labels, "Tomato Paste Salsa Di Pomodoro," was false and misleading and deceived and misled the purchaser.

On August 13, 1925, the New Central Canning Co., Buena Park, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled, with the statement "Artificially Colored" appearing conspicuously on the label.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13770. Adulteration and misbranding of rice. U. S. v. 735 Bags of Rice. Product ordered released under bond. (F. & D. No. 19504. I. S. No. 3562-v. S. No. E-4910.)

On or about January 19, 1925, 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 735 bags of rice, at San Juan, P. R., alleging that the article had been shipped by the American Rice Milling Co., New Orleans, La., on or about October 7, 1924, 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.

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 article was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On September 2, 1925, the product having been theretofore released by order of the court to the claimant, the American Rice Milling Co., New Orleans, La., under the terms of a bond in the sum of \$3,200, conditioned that it be used for chicken feed, and the said claimant having established that a portion of the product had since been reconditioned and found by the proper authorities to be fit for human consumption, an amended decree was entered, authorizing that 627 sacks of the said product be sold for human food and that 45 sacks be sold for chicken feed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13771. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19914. I. S. No. 21297-v. S. No. E-5191.)

On March 23, 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 a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Ashcraft-Wilkinson Co., from Fremont, N. C., December 12, 1924, and

transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paramount Brand Good Cotton Seed Meal Ashcraft-Wilkinson Co. Atlanta, Ga. Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% Crude Fibre (maximum) 14.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein (ammonia) and containing excessive fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Good Cotton Seed Meal Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% Crude Fibre (maximum) 14.00%," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 22, 1925, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property, judgment of condemnation 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 not be sold or disposed of until properly labeled and until passed by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13772. Adulteration and misbranding of butter. U. S. v. 71 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20383. I. S. No. 7056-x. S. No. E-5472.)

On August 19, 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 71 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northern Cold Storage & Warehouse Co., from Duluth, Minn., August 10, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

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

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 2, 1925, Charles P. Mecabe & Son, 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 \$1,500, in conformity with section 10 of the act, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13773. Adulteration and misbranding of butter. U. S. v. 9 Boxes, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 20174, 20175, 20203, 20237. I. S. Nos. 24253-v, 24260-v, 24350-v, 5101-x. S. Nos. E-5361, E-5362, E-5365, E-5412.)

On June 24 and 29 and July 3, 1925, respectively, the United States attorney for the District of Maryland, 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 25 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on various dates, namely, June 9, 18, and 28, 1925, respectively, alleging that the article had been shipped by the Fred C. Mansfield Co., in various consignments, from Chicago, Ill., and London and Princeton, Wis., respectively, and transported from the States of Illinois and Wisconsin, respectively, into the State of Maryland, and charging adulteration and misbranding with respect to a portion of the product and misbranding with respect to the remainder, in violation of the