

Wenatchee, Wash., December 25, 1926, and had been transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libel with respect to the said 1,286 pounds of the product for the reason that it contained an added poisonous ingredient, to wit, a compound of arsenic and lead, which might have rendered the article injurious to health. Adulteration was alleged with respect to the said 64 pounds of the product for the reason that it contained an added poisonous ingredient, to wit, a compound of arsenic trioxide and lead oxide, which might have rendered the article injurious to health.

On September 28, 1927, the two cases having been consolidated into one case of action, and the Foster Packing Co., a subsidiary of Libby, McNeill & Libby, Chicago, Ill., having appeared as claimant and having admitted the allegations of the libels and 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, conditioned in part that the product be reconditioned under the supervision of this department, so as to reduce the added poisonous ingredient in the article in such manner that it would not be injurious to health.

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

15396. Adulteration of frozen eggs. U. S. v. 274 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released upon bond. (F. & D. No. 22024. I. S. No. 14342-x. S. No. 61.)

On August 16, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 274 cans of frozen eggs, remaining in the original broken packages at Louisville, Ky., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., June 21, 1927, and transported into the State of Tennessee into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 22, 1927, Swift & Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon the execution of a bond in the sum of \$2,000, conditioned in part that the eggs be sorted under the supervision of this department, the decomposed portion destroyed, and the unadulterated portion released unconditionally. It was further ordered by the court that the claimant pay the costs of the proceedings.

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

15397. Adulteration of tomato catsup. U. S. v. 300 Cases and 340 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20590, 20591. I. S. Nos. 1337-x, 1338-x. C-4854.)

On November 10, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 640 cases of tomato catsup, remaining in the original unbroken packages at Detroit, Mich. Subsequently an amended libel was filed with reference to 340 cases of the product. It was alleged in the libels that the article had been shipped in interstate commerce by the DeSchipper Canning Co., from Carthage, Ind., into the State of Michigan, on September 28, 1925, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "DeSchipper's Tomato Catsup * Packed by DeSchipper Canning Co., Carthage, Ind."

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

On December 16, 1926, the claimant, the DeSchipper Canning Co., having failed to appear, judgments of condemnation and forfeiture were 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*