

into the State of New York, charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Nishna Frozen Eggs Mixed \* \* \* Malvern Cold Storage Company, Malvern, Ia."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal 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 marked on the outside of the package.

On January 28, 1928, W. W. Elzea, Inc., 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, or the deposit of cash, in the sum of \$1,800, conditioned in part that the said product be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

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

**15414. Adulteration of shelled almonds. U. S. v. 16 Bags of Shelled Almonds. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22279. I. S. No. 21667-x. S. No. 326.)**

On December 12, 1927, 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 seizure and condemnation of 16 bags of shelled almonds, imported on Dec. 27, 1926, remaining in the original unbroken packages at New York, N. Y., consigned by Raphael H. Elmaleh, Mogador, Morocco, alleging that the article had been shipped from Mogador, Morocco, into the State of New York, 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 28, 1928, Henry Heide, Inc., 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 \$2,500, conditioned in part that it be re-sorted to separate the good nuts from the bad, and that the bad portion be destroyed or denatured.

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

**15415. Misbranding of catsup. U. S. v. 699 Cases of Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22317. I. S. No. 21100-x. S. No. 360.)**

On December 22, 1927, 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 seizure and condemnation of 699 cases of catsup, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Greenbaum Bros., from Seaford, Del., on or about November 28, 1927, and transported from the State of Delaware into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "The Famous Royal Scarlet Brand Tomato Catsup. Made from selected red ripe tomatoes, spices, vinegar, sugar, salt, onions and garlic," (neck of bottle) "Royal Scarlet Catsup \* \* \* Natural Color No Preservative."

Examination of the article by this department showed that it contained artificial color.

Misbranding of the article was alleged in the libel for the reason that the statements, (neck label) "Royal Scarlet Catsup Natural Color," and (bottle label) "Tomato Catsup made from selected red ripe tomatoes, spices, vinegar, sugar, salt, onions and garlic," borne on the label, were false and misleading and deceived and misled the purchaser.

On January 28, 1928, Greenbaum Bros., Inc., Seaford, Del., 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 wa

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 \$1,300, conditioned in part that it be reshipped to the claimant at Seaford, Del., to be relabeled or repacked to comply with the law.

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

**15416. Adulteration and misbranding of Grape Wang and Cherry Wang. U. S. v. 25 Bottles Caro Grape Wang, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17738. I. S. Nos. 1158-v, 1160-v. S. No. E-4474.)**

On August 23, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel praying seizure and condemnation of 25 bottles of Caro Grape Wang and 58 bottles of Caro Cherry Wang, at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "Caro Grape (or "Cherry") Wang \* \* \* Caro Flavoring Co. \* \* \* Washington, D. C."

It was alleged in the libel that the article was adulterated, in that a substance, to wit, imitation flavor, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in whole or in part for the said article; and in that the said article had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, to wit, "Grape" and "Cherry," borne on the labels, were false and misleading in that the said statements represented that the article was a grape product or a cherry product, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a grape product or a cherry product, whereas it was not, but was a product prepared in imitation of a grape or cherry product. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, 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 packages in terms of weight, measure, or numerical count.

In September, 1924, 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.

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

**15417. Misbranding of linseed meal. U. S. v. 45 Bags of Linseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22265. I. S. No. 20091-x. S. No. 412.)**

On January 7, 1928, the United States attorney for the Eastern 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 seizure and condemnation of 45 bags of linseed meal, remaining in the original unbroken packages at Chalfont, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., on or about October 28, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "The Mann Bros. Company, Buffalo, N. Y., \* \* \* 34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%."

It was alleged in the libel that the article was misbranded in that the statement "34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%," borne on the label, was false and misleading and deceived and misled the purchaser, in that an analysis of a sample of the product showed it to be deficient in protein.

On January 30, 1928, the Mann Bros. Co., Buffalo, N. Y., having appeared as claimant for the property, 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 \$200, conditioned in part that it be relabeled under the supervision of this department.

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