

Walnut Meats * * * Mayers brand, Packed by Leon Mayer, California Nut Products * * * Los Angeles, Calif."

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 May 8, 1928, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property 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 \$250, conditioned in part that it should not be sold or otherwise disposed of until reconditioned in a manner satisfactory to this department.

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

15748. Adulteration and misbranding of canned corn. U. S. v. 230 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22324. I. S. No. 15837-x. S. No. 371.)

On December 23, 1927, the United States attorney for the Southern District of Ohio, 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 230 cases of canned corn, at Cincinnati, Ohio, consigned by Carroon & Co., Fowler, Ind., October 19, 1927, alleging that the article had been shipped in interstate commerce from Fowler, Ind., into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Our Aim Fancy Country Gentleman Sugar Corn, Fancy Quality. * * * Carroon & Co., Fowler, Indiana."

Adulteration of the article was alleged in the libel for the reason that a product, canned field corn, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Sugar Corn," "Fancy Quality," and "Fancy Country Gentleman Sugar Corn," borne on the label, 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 March 14, 1928, Carroon & Co., Fowler, Ind., claimant, having admitted the material 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 \$1,000, conditioned in part that it be relabeled under the supervision of this department.

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

15749. Misbranding of tomato paste. U. S. v. 18 Cases of Tomato Paste. Default decree of condemnation and forfeiture. (F. & D. No. 22704. I. S. No. 21714-x. S. No. 748.)

On April 16, 1928, the United States attorney for the District of Rhode Island, 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 18 cases of tomato paste, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Eagle Canning Co., Inc., from Fredonia, N. Y., November 30, 1927, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eagle Brand Tomato Paste Eagle Canning Co., Inc., Fredonia, N. Y. Salsa Di Pomodoro."

It was alleged in the libel that the article was misbranded in that the statement, "Tomato Paste Salsa di Pomodoro," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product artificially colored.

On May 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered.

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