

and injuriously affect its quality and strength, and had been substituted in part for cocoa.

Misbranding was alleged for the reason that the said drums and barrel bore labels representing that the contents thereof were pure cocoa, whereas cocoa shells had been mixed and packed with and substituted in part for cocoa. 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, namely, cocoa.

On June 15, 1928, E. & A. Opler, Inc., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to law, and that the containers be relabeled to show the contents thereof.

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

**15778. Adulteration of walnuts. U. S. v. 10 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22295. I. S. No. 20419-x. S. No. 345.)**

On December 17, 1927, the United States attorney for the Eastern District of Virginia, 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 10 bags of walnuts, remaining unsold at Alexandria, Va., alleging that the article had been shipped by the Frank P. Kruger Co., Inc., New York, N. Y., on or about October 1, 1927, and transported from the State of New York into the State of Virginia, 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 vegetable substance.

On June 4, 1928, 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.

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

**15779. Adulteration of fig bars. U. S. v. 72 Boxes of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22301. I. S. No. 17535-x. S. No. 335.)**

On December 17, 1927, the United States attorney for the District of Arizona, 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 72 boxes of fig bars, remaining in the original packages at Phoenix, Ariz., alleging that the article had been shipped by the Old Mission Fig Bar Co., from Oakland, Calif., in part on or about November 8, 1927, and in part on or about November 12, 1927, and had been transported from the State of California into the State of Arizona, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Old Mission Fig Bars Made by Mothers Cookie Co., Oakland, Calif. Whole Wheat 12 Lbs. Net Weight Sun Mercantile Co., Phoenix, Ariz."

It was alleged in substance 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 and was unfit for food.

On April 16, 1928, 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.

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

**15780. Adulteration of grapefruit. U. S. v. 332 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22691. I. S. No. 22003-x. S. No. 655.)**

On or about March 3, 1928, the United States attorney for the District of Colorado, 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 332 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by L. Maxcy, Inc., South Lake Weir, Fla., alleging that the article had been shipped from South Lake Weir, Fla., on or about February 21, 1928, and transported from the State of Florida into the

State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "L. Maxcy Incorporated, Frostproof, Fla., Supreme Brand Grapefruit."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance, to wit, of decomposed and frozen grapefruit, in that it consisted in whole or in part of frost-damaged grapefruit that had been substituted in whole or in part for edible grapefruit, which the product purported to be, and in that a valuable constituent, juice, had been wholly or in part abstracted.

On March 9, 1928, L. Maxcy, Inc., Frostproof, Fla., 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 \$1,000, conditioned in part that it be salvaged and the decomposed portion destroyed.

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

**15781. Adulteration of mineral water. U. S. v. 35 Gallons of Bencot Natural Mineral Spring Water. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 21235. I. S. No. 1748-x. S. No. C-5204.)

On August 13, 1926, the United States attorney for the Northern District of Alabama, 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 35 gallons of Bencot natural mineral spring water, remaining in the original unbroken packages at Anniston, Ala., alleging that the article had been shipped by the Bencot Mineral Springs Co., Austell, Ga., on or about July 27, 1926, and transported from the State of Georgia into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bencot Mineral Springs Company Natural Mineral Spring Water, Austell, Cobb County, Georgia."

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

On May 18, 1928, no claimant having appeared for the property, judgment of condemnation was 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.*

**15782. Adulteration and misbranding of chocolate coating. U. S. v. 2 Cases of Chocolate Coating. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 22608. I. S. No. 14741-x. S. No. 633.)

On March 6, 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 2 cases, containing 17 cakes of chocolate coating, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Runkel Bros., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about January 20, 1928, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Runkel's Invincible Chocolate Coating Sweet."

It was alleged in the libel that the article was adulterated in that foreign fat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "Chocolate Coating Sweet," borne on the label, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.

On June 26, 1928, 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.

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