

15785. Misbranding of oil. U. S. v. 14 1-Gallon Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22099. I. S. No. 21087-x. S. No. 144.)

On October 18, 1927, the United States attorney for the District of Connecticut, 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 14 1-gallon cans of oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the J. Grandinetti Co., Inc., Williamsport, Penn., on or about August 4, 1927, and transported from the State of Pennsylvania into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Termini Amorsi Brand Winter-pressed Cottonseed Oil 1 Gallon * * * M'fr'd. by J. G. & Co., Wmsport, Pa."

It was alleged in the libel that the article was misbranded in that the statement, "1 Gallon," was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further 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 November 14, 1927, 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.*

15786. Misbranding of tomato paste. U. S. v. 16 Cases, et al, of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22702, 22705, 22706, 22707, 22708. I. S. Nos. 21695-x, 21696-x, 21711-x, 21712-x, 21713-x. S. Nos. 742, 744, 745, 746, 747.)

On April 13 and April 14, 1928, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 35 cases and 33 cartons of tomato paste, remaining in the original unbroken packages in various lots at Boston, Lawrence, and Fall River, Mass., respectively, consigned between the dates of October 20, 1927, and February 6, 1928, alleging that the article had been shipped by the Eagle Canning Co., Inc., Fredonia, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Eagle Brand Tomato Paste, Eagle Canning Co., Inc., Fredonia, N. Y. Salsa Di Pomodoro;" "Unita Brand Tomato Paste made from Domestic and Italian Tomatoes * * * Packed by Eagle Canning Co., Inc., Fredonia, N. Y. * * * Salsa Di Pomodoro Con Basilico;" "Perfect Brand Tomato Paste Salsa di Pomodoro Packed for Lawrence Grocery Co., Lawrence, Mass.

Examination of samples of the article by this department showed them to be artificially colored.

It was alleged in the libels that the article was misbranded in that the following statements, "Tomato Paste," "Salsa di Pomodoro," or "Tomato Paste Made from Domestic and Italian Tomatoes Salsa Di Pomodoro con Basilico," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser.

On June 25, 1928, the cases having been consolidated into one cause of action, and the Eagle Canning Co., Inc., Fredonia, 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 \$400, conditioned in part that it be relabeled under the supervision of this department.

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

15787. Adulteration of frozen eggs. U. S. v. 43 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22452. I. S. No. 20954-x. S. No. 541.)

On February 11, 1928, the United States attorney for the District of New Jersey, 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 43 cans of frozen eggs at Newark, N. J., alleging that the article had been shipped by the Detroit Butter & Egg Co., Detroit, Mich., on

or about November 17, 1927, and transported from the State of Michigan into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pure Candegs Frozen * * * Packed Exclusively by Detroit Butter & Egg Co., Incorporated, Detroit, Michigan."

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 June 18, 1928, the Detroit Butter & Egg Co., Detroit, Mich., 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 \$500, conditioned in part that the cans containing good eggs be separated from those containing bad eggs and the latter destroyed or denatured.

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

15788. Adulteration of canned sweet potatoes. U. S. v. 615 Cases of Canned Sweet Potatoes. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22333. I. S. No. 20364-x. S. No. 394.)

On January 20, 1928, 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 seizure and condemnation of 615 cases of canned sweet potatoes, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the John W. Taylor Packing Co., from Hallwood, Va., September 22, 1926, and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hallwood Brand Sweet Potatoes Packed by John W. Taylor Packing Co., Hallwood, Va."

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 January 30, 1928, the John W. Taylor Packing Co., Hallwood, Va., 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 \$2,500, conditioned in part that it should not be sold or disposed of until salvaged so as to conform to the requirements of the Federal food and drugs act.

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

15789. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22875. I. S. No. 20220-x. S. No. 919.)

On June 27, 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 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Washington County Creamery Co., Inc., Abingdon, Va., alleging that the article had been shipped from Abingdon, Va., on or about June 24, 1928, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that the package bore no statement of the quantity of contents.

On June 28, 1928, C. M. Drake, Philadelphia, Pa., 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