

ditioned in part that the good nuts be separated from the bad and the latter denatured or destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16144. Misbranding of tomato catsup. U. S. v. 21 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 22957. I. S. No. 02057. S. No. 1025.)

On September 8, 1928, the United States attorney for the Western District of Michigan, 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 21 cases of tomato catsup, remaining in the original unbroken packages at South Haven, Mich., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about June 25, 1928, and transported from the State of Indiana into the State of Michigan, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "General Jackson Brand Tomato Catsup, Morgan Packing Company, Austin, Indiana."

It was alleged in substance in the libel that the article contained artificial color and was misbranded in that the said label was false and misleading and deceived and misled the purchaser when applied to an artificially colored product.

On November 26, 1928, the Morgan Packing Co., Austin, Ind., 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16145. Adulteration and misbranding of Japanese cod liver oil. U. S. v. 10 Drums of Japanese Cod Liver Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22650. I. S. No. 19983-x. S. No. 556.)

On March 20, 1928, the United States attorney for the Eastern District of Missouri, 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 drums of Japanese cod liver oil, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Cook, Swan & Young Corporation, Bayway, N. J., on or about October 21, 1927, and transported from the State of New Jersey into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Japanese Cod Liver Oil not U. S. P."

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, and in that an oil other than cod liver oil had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Cod Liver Oil" was false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On October 31, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16146. Adulteration of walnut pieces. U. S. v. 6 Cases of Walnut Pieces. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23227. I. S. No. 03607. S. No. 1330.)

On December 7, 1928, 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 6 cases of walnut pieces, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from France into the State of New York, arriving on or about April 10, 1928, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "TMD Invalides * * * Crop 1927 France FD From T. M. Duche & Son New York."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of moldy, decomposed, and rancid meats.