

Italy, on or before August 20, 1928, 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 wormy, weevil-damaged, and moldy beans, and consisted in part of a filthy vegetable substance.

On March 5, 1929, Musco & Sclafani, New York, N. Y., claimants, 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 claimants upon payment of costs and the execution of a bond in the sum of \$2,000, or the deposit of cash in like amount, conditioned in part that it be exported to a foreign country under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16494. Adulteration of canned raspberries. U. S. v. 60 Cases of Raspberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23594. I. S. No. 03831. S. No. 1842.)

On April 9, 1929, 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 60 cases of raspberries, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Jay H. Pratt & Co. (Inc.), Forestville, N. Y., October 18, 1928, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunrise Brand Red Pie Raspberries in Water Fancy Pack."

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 14, 1929, 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.*

16495. Adulteration of tomato catsup. U. S. v. 5 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23392. I. S. No. 01408. S. No. 1583.)

On February 13, 1929, the United States attorney for the Western District of Texas, 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 5 cases of tomato catsup, remaining in the original unbroken packages at Lampasas, Tex., alleging that the article had been shipped by the Mid-Mountain Fruit Co., Bentonville, Ark., on or about September 24, 1928, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mid-Mountain Brand Tomato Catsup * * * Packed by Mid-Mountain Fruit Co., Bentonville, Ark."

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 11, 1929, 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.*

16496. Adulteration of canned shrimp. U. S. v. 10 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22816. I. S. No. 11976-x. S. No. 856.)

On June 11, 1928, the United States attorney for the Northern 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 10 cases of canned shrimp at Youngstown, Ohio, alleging that the article had been shipped by the James Teteak Co., Chicago, Ill., on or about March 24, 1927, and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Standard Shrimp, Marine Products Incorporated, New Orleans, La., Distributors."

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.

On September 10, 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.*

16497. Adulteration and misbranding of tomato catsup. U. S. v. 105 Cases of Tomato Catsup. Decree of condemnation entered. Product released under bond. (F. & D. No. 23357. I. S. Nos. 013021, 013022. S. No. 1510.)

On January 31, 1929, the United States attorney for the Western District of Kentucky, 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 105 cases of tomato catsup, remaining unsold in the original unbroken packages at Louisville, Ky., consigned by the Naas Corporation, Sunman, Ind., alleging that the article had been shipped from Sunman, Ind., on or about October 18, 1928, and transported from the State of Indiana into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Monogram Brand Tomato Catsup * * * Made from Fresh Ripe Tomato Slices."

It was alleged in the libel that the article was adulterated in that a substance, artificial color, had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the designation "Tomato Catsup made from Fresh Ripe Tomato Slices" was false and misleading in that artificial coloring matter had been used therein. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of "Tomato Catsup made from Fresh Ripe Tomato Slices," whereas artificial coloring matter had been used.

On July 6, 1929, Knadler & Lucas, Louisville, Ky., having appeared as claimant for the property, judgment of condemnation 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 \$1,000, conditioned in part that it be relabeled, under the supervision of this department, to show the presence of artificial coloring.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16498. Misbranding of butter. U. S. v. 100 Cases, et al., of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 23812. I. S. Nos. 010, 07805. S. No. 1891.)

On April 10, 1929, the United States attorney for the Northern District of California, 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 100 cases and 15 boxes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Portland, Oreg., April 4, 1929, by the Armour Creameries, and transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. A portion of the articles was labeled in part: (Cases) "CB 1/4 Pounds;" (cartons) "One Pound Net Weight Armour's Cloverbloom Pasteurized Creamery Butter." The remainder of the said article was labeled in part: (Boxes) "Plain 1/4 Parch Armour & Co. S. F. Churn F. 3;" (wrappers) "Net Wt. Four Ounces."

It was alleged in the libel that the article was misbranded in that the statements "One Pound Net Weight" and "Net Wt. Four Ounces," with respect to a portion of the product, and "Net Wt. Four Ounces," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser, since the packages contained lesser quantities. 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, since the quantity stated was not correct.

On April 15, 1929, Armour & Co., San Francisco, Calif., 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 costs and the execution of a bond in the sum of \$3,500, conditioned in part that it be reworked under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*