

16660. Adulteration of walnut meats. U. S. v. 19 Boxes of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23694. I. S. No. 0378. S. No. 1936.)

On or about May 15, 1929, the United States attorney for the Eastern District of Washington, 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 19 boxes of walnut meats, remaining in the original unbroken packages at Spokane, Wash., consigned by the Southern California Supply Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about March 6, 1929, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Invincible Brand. Distributed by the Southern California Supply Co., Inc., * * * 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 decomposed and putrid vegetable substance.

On June 24, 1929, the Roundup Grocery Co., Spokane, Wash., and the Southern California Supply Co. (Inc.), Los Angeles, Calif., having appeared as claimants for the property and having consented to the entry of a decree, judgment of condemnation 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 \$500, conditioned in part that it should not be sold or otherwise disposed of in violation of law, and until reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16661. Misbranding of tomato catsup. U. S. v. 14 Cases of Tomato Catsup. Product ordered released under bond. (F. & D. No. 22958. I. S. No. 01463. S. No. 1027.)

On August 3, 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 14 cases of tomato catsup, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about July 7, 1928, and transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Califo Brand Catsup. Contents one pound 12 ounces. Distributed by Coast Products Co."

It was alleged in the libel that the article was misbranded in that the designation "Tomato Catsup" was false and misleading and deceived and misled the purchaser when applied to an artificially colored article.

On December 3, 1928, the Morgan Packing Co., Austin, Ind., appeared and filed its answer and petition for delivery of the property and tendered a bond in the sum of \$500, conditioned as provided by law. The court having approved said bond, ordered that the product be delivered to the claimant upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16662. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23690. I. S. No. 03853. S. No. 1952.)

On May 6, 1929, 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 18 tubs of butter at Newark, N. J., alleging that the article had been shipped by the Alta Vista Farmers Creamery Association, from Alta Vista, Iowa, on or about May 1, 1929, and transported from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with the said article, and had been substituted in part for butterfat in which it was deficient. Adulteration was alleged for the further reason that a valuable constituent, milk fat, had been in part abstracted from the article.

On June 12, 1929, the Great Atlantic & Pacific Tea Co., Newark, N. J., 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 \$525, conditioned in part that it be reworked and reprocessed so that it comply with the requirements of the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16663. Adulteration and misbranding of tomato catsup. U. S. v. W. M. Harris & Sons Co. Plea of guilty. Fine, \$10. (F. & D. No. 22589. I. S. No. 20239-x.)

On December 28, 1928, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. M. Harris & Sons Co., a corporation, Wyoming, Del., alleging shipment by said company, in violation of the food and drugs act, on or about February 16, 1928, from the State of Delaware into the State of Pennsylvania, of a quantity of tomato catsup which was adulterated and misbranded. The article was labeled in part: "Harris Star Brand Catsup * * * Packed by W. M. Harris & Sons Co. Wyoming, Del."

It was alleged in the information that the article was adulterated in that tomato catsup containing an undeclared coloring substance had been substituted for tomato catsup, which is normally prepared without the incorporation of added color and which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Catsup," borne on the label, was false and misleading in that the said statement represented that the article was composed of catsup, to wit, tomato catsup, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed solely of catsup, to wit, tomato catsup, whereas it was not, but was in part composed of and contained an undeclared coloring substance, to wit, cochineal.

On December 28, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16664. Misbranding of beef scrap. U. S. v. 30 Bags of Beef Scrap. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23779. I. S. No. 07965. S. No. 1985.)

On May 23, 1929, 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 30 bags of beef scrap, remaining in the original unbroken packages at Flemington, N. J., alleging that the article had been shipped by the Animal Rendering Co., from Philadelphia, Pa., on or about May 4, 1929, and transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "55% Protein Beef Scrap Guaranteed Analysis Min. Protein 55% * * * Manufactured by Animal Rendering Co., Philadelphia, Pa."

It was alleged in the libel that the article was misbranded in that the statements on the label, "55% Protein Beef Scrap Guaranteed Analysis Min. Protein 55%," were false and misleading and deceived and misled the purchaser.

On July 15, 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.*

16665. Adulteration and misbranding of sauerkraut. U. S. v. 23 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21063. I. S. No. 8182-x. S. No. E-5760.)

On May 10, 1926, 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 23 cases of sauerkraut at Hoboken, N. J., alleging that the article had been shipped by F. B. Huxley & Son, Ontario, N. Y., on or about February 25, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Navarre Brand Sauerkraut * * * Packed for A. Goldstein & Co., Hoboken, N. J."

It was alleged in the libel that the article was adulterated in that a substance deficient in acidity had been mixed and packed therewith so as to reduce,