

of the court, that the produce be released to the claimant upon the filing of a bond in the sum of \$400, conditioned that it should not be sold or otherwise disposed of contrary to law. On August 19, 1929, a decree was entered by the court adjudging that the product should be forfeited and condemned, and ratifying the agreement releasing the said product to the claimant.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16693. Misbranding of tomato catsup. U. S. v. 600 Large-Sized Cases, et al., of Tomato Catsup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23635. I. S. Nos. 03436, 03437. S. No. 1853.)

On April 16, 1929, 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 600 large-sized cases and 250 small-sized cases of tomato catsup, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Mid-West Food Packers (Inc.), from Fowlerton, Ind., on or about September 11, 1928, and transported from the State of Indiana into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Mid-West Brand Tomato Catsup Made by Mid-West Food Packers Inc., Marion, Ind.;" (bottles) "Mid-West Brand Highest Quality Tomato Catsup Made by Mid-West Food Packers, Inc., Fowlerton, Ind. This Catsup Guaranteed To Be Absolutely Pure No Preservative or Artificial Coloring."

It was alleged in the libel that the article was misbranded in that the statements, "Tomato Catsup" and "No preservative or artificial coloring," were false and misleading and deceived and misled the purchaser when applied to an artificially colored product.

On August 2, 1929, J. C. Orrick & Son Co., Cumberland, Md., 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 \$1,000, conditioned in part that it be relabeled so as to conform to the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16694. Adulteration of cheese. U. S. v. 90 Boxes of American Cheese. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23035. I. S. No. 25996-x. S. No. 972.)

On March 30, 1928, the United States attorney for the Eastern District of Wisconsin, 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 90 boxes of American cheese, daisy style, remaining in the original unbroken packages at Marinette, Wis., alleging that the article had been shipped by Louis Sheevy, from Stephenson, Mich., on or about March 14, 1928, and transported from the State of Michigan into the State of Wisconsin, 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 and substituted wholly or in part for the said article, and in that a valuable constituent, to wit, milk fat, had been wholly or in part abstracted.

On April 19, 1928, Louis Sheevy, Stephenson, 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 costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16695. Misbranding (alleged adulteration) of mixed barley and oats. U. S. v. 350 Sacks of Barley and Oats Mixed, et al. Product adjudged misbranded. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23667, 23668. I. S. Nos. 09374, 09375. S. Nos. 1905, 1906.)

On April 27, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 650 sacks of mixed barley and oats, remaining in the original

unbroken packages, in part at Monroe, La., and in part at Vinton, La., alleging that the article had been shipped by the Cook-Bahlau Grain Co., from Pine Bluff, Ark., in two consignments on or about April 15, 1929, and April 17, 1929, respectively, and transported from the State of Arkansas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Barley & Oats Mixed (or "Barley Mixed Oats") Sulphurized 160 (or "144") Lbs. Net When Packed."

It was alleged in the libels that the article was adulterated in that it contained a substance which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, since the said product contained water.

On May 6, 1929, the Cook-Bahlau Grain Co., Pine Bluff, Ark., having appeared as claimant for the property and having admitted the allegations of the libels, decrees were entered adjudging the product misbranded in that the branding was false and misleading and deceived and misled the purchaser, and in that the product was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. The decrees further ordered that the product be condemned and forfeited, with the proviso that it might be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned in part that it be repacked, under the supervision of this department, so that it meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16696. Misbranding of tomato catsup. U. S. v. 93 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 22884. I. S. No. 01951. S. No. 957.)

On July 16, 1928, the United States attorney for the Northern District of Illinois, 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 93 cases of tomato catsup, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., June 23, 1928, and transported from the State of Indiana into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Joflaco Brand Tomato Catsup, Distributed by John F. Lalla Co., Chicago, * * * Made from Whole Red Ripe Tomatoes. * * * Free from Artificial Coloring or Preservatives."

It was alleged in the libel that the article was misbranded in that the statement in the labeling, "Free from Artificial Coloring," was false and misleading and deceived and misled the purchaser, since the product contained an artificial coloring.

On April 18, 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.*

16697. Misbranding of dairy feed. U. S. v. 60 Sacks of Lasso Dairy Feed. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 23774. I. S. No. 08894. S. No. 1975.)

On May 17, 1929, the United States attorney for the Eastern District of South Carolina, 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 sacks of Lasso dairy feed, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Southern Milling Co., from Augusta, Ga., April 3, 1929, and transported from the State of Georgia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Lasso, 16% Dairy Feed * * * Southern Milling Company, Augusta, Georgia * * * Protein 16% * * * Fibre 14%."

It was alleged in the libel that the article was misbranded in that the statements on the labels, "Protein 16 per cent, fibre 14 per cent," were false and misleading.

On June 29, 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.*