

On December 3, 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.*

16897. Adulteration of walnut pieces. U. S. v. 150 Cases of Walnut Pieces. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24262. I. S. No. 028676. S. No. 2510.)

On November 19, 1929, 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 150 cases of walnut pieces, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by L. Michailovitch, from Cruz-Napoli and Treviso-Trieste, Italy, in part December 8, 1928, and in part January 2, 1929, to New York, N. Y., received on or about January 20, 1929, 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 a filthy, decomposed, or putrid vegetable substance.

On December 4, 1929, T. M. Duche & Sons, New York, N. Y., 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 \$3,300, conditioned in part that it be sorted to separate the good nuts from the bad, and the bad portion destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16898. Adulteration and misbranding of cocoa powder. U. S. v. 2½ Barrels of Cocoa Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23792. I. S. No. 07346. S. No. 2002.)

On June 4, 1929, the United States attorney for the District of Montana, 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 2½ barrels of cocoa powder at Billings, Mont., alleging that the article had been shipped by the Taylor-Edwards Co., from Seattle, Wash., on or about June 5, 1928, and transported from the State of Washington into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Inc. Chicago-American Brand Pure Cocoa Powder 200 [or "220" or "20"]."

It was alleged in the libel that the article was adulterated in that cocoa shell had been mixed and packed with and substituted in part for cocoa powder.

Misbranding was alleged for the reason that the above-described label was false and misleading, and was intended to and did deceive and mislead purchasers thereof.

On November 26, 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.*

16899. Adulteration and misbranding of Blatz grape gum. U. S. v. 48 Boxes of Blatz Grape Gum. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22767. I. S. No. 24043-x. S. No. 788.)

On May 9, 1928, the United States attorney for the Western 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 48 boxes of Blatz grape gum, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Val Blatz Brewing Co., Newport, R. I., April 16, 1928, and transported from the State of Rhode Island into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that an artificially flavored substance had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the following statements regarding the article, borne on the labels, were false and misleading and deceived

and misled the purchaser: (Stencil on case) "Grape Gum;" (individual wrapper) "Original Grape Chewing Gum—Grape Gum Lasting Grape Flavor * * * Refreshing Grape Flavor." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 22, 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.*

16300. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24270. I. S. No. 028680. S. No. 2516.)

On November 22, 1929, 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 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, November 5, 1929, and transported from the State of Iowa 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 a filthy, decomposed, or putrid animal substance, in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On December 12, 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.*