

amended. The article was labeled in part: (Carton) "1 Lb. Net Wt. Sunshine Creamery Company Butter."

It was alleged in the libel that the article was misbranded in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On September 13, 1928, by consent of the intervenor, 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.*

16992. Adulteration of canned tomatoes. U. S. v. 1097 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23879. I. S. No. 01161. S. No. 2070.)

On or about July 16, 1929, the United States attorney for the Western District of Oklahoma, 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 1,097 cases of canned tomatoes at Altus, Okla., consigned by the Rio Grande Valley Canning Co., Pharr, Tex., June 12, 1929, alleging that the article had been shipped in interstate commerce from Pharr, Tex., to Altus, Okla., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rio Grande Brand Hand-Packed Tomatoes * * * Packed by Rio Grande Valley Canning Company, Pharr, Texas."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, in that said article showed decomposition.

On November 12, 1929, the court having found that the product was unfit for food, and the claimant 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16993. Adulteration and misbranding of vanilla extract. U. S. v. 474 Bottles, et al., of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24086. I. S. Nos. 019851, 019852. S. No. 2331.)

On or about October 1, 1929, the United States attorney for the District of Kansas, 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 four hundred and seventy-four 4-ounce bottles and one hundred and seventeen 16-ounce bottles of vanilla extract at Fort Leavenworth, Kans., consigned by the Atlanta Supply Co., Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., on or about August 30, 1929, and transported from the State of Georgia into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla * * * Manufactured by The Atlanta Supply Company, Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored imitation product had been substituted in part for the said article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 8, 1930, 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.*

16994. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24340. I. S. No. 028686. S. No. 2606.)

On December 12, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the