

It was alleged in the libel that the articles were adulterated in that artificially colored imitation products had been mixed and packed therewith so as to reduce or lower or injuriously affect their quality or strength, and had been substituted in part for the said articles. Adulteration was alleged for the further reason that the articles had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were described on the labels as pure vanilla extract and pure lemon extract, whereas they were imitations of and were offered for sale under the distinctive names of pure lemon extract and vanilla extract. Misbranding was alleged for the further reason that the statement on the label of the said lemon extract, regarding the alcohol content, was false, since it did not contain 94 per cent of alcohol.

On November 4, 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.*

17356. Adulteration and misbranding of cheese. U. S. v. Henry H. Solie. Plea of guilty. Fine, \$200. (F. & D. No. 23758. I. S. Nos. 04543, 04548, 05186, 05187, 05193, 05194.)

On December 10, 1929, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry H. Solie, Stetsonville, Wis., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about October 16, 1928, January 22, 1929, January 29, 1929, and February 19, 1929, respectively, from the State of Wisconsin into the State of Indiana, of quantities of cheese, which was adulterated and misbranded. The article was labeled in part: "Colby Style Full Cream American Cheese Wisconsin No. 1."

It was alleged in the information that the article was adulterated in that a substance deficient in milk fat and which contained an excessive amount of water had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted for full cream American cheese Wisconsin No. 1, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "Full Cream American Cheese Wisconsin No. 1," borne on the label, was false and misleading in that the said statement represented that the article was full cream American cheese, which conformed to the standard of Wisconsin No. 1, 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 full cream American cheese, which conformed to the standard for Wisconsin No. 1, whereas it was not full cream American cheese, and did not conform to the standard of Wisconsin No. 1, in that it was a substance which contained an excessive amount of water and was deficient in milk fat.

On February 8, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17357. Misbranding of cottonseed meal. U. S. v. 375 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24581. I. S. No. 012420. S. No. 2906.)

On March 3, 1930, 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 375 bags of cottonseed meal, remaining in the original unbroken packages at Bel Air, Md., alleging that the article had been shipped by the Planters Cotton Oil & Fertilizer Co., from Rocky Mount, N. C., on or about January 10, 1930, and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Planco Cotton Seed Meal * * * Manufactured by Planters Cotton Oil & Fertilizer Co., Rocky Mount, N. C., Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," was false and misleading and deceived and misled the purchaser when applied to a product containing a less amount of protein.

On April 1, 1930, the Planters Cotton Oil & Fertilizer Co., Rocky Mount, N. C., 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 \$1,500, conditioned in part that it be relabeled to meet the requirements of the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17358. Adulteration and misbranding of tomato paste. U. S. v. 24 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24207. I. S. No. 021816. S. No. 2438.)

On November 4, 1929, the United States attorney for the District of Rhode Island, 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 24 cases of tomato paste, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., on or about September 18, 1929, and transported from the State of Delaware into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salsa di Pomodoro al Basilico Uso Napoli Marca Colombina Brand Pure Tomato Paste with Basil * * * Distributed and Guaranteed by Colombina Products Corporation, Laurel, Delaware."

It was alleged in the libel that the article was adulterated in that an artificially colored tomato paste had been substituted in part for pure tomato paste which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Salsa di Pomodoro * * * Pure Tomato Paste," was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing undeclared artificial color.

On April 10, 1930, the International Importing Co. (Inc.), 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 \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17359. Misbranding of canned grapefruit. U. S. v. 50 Cases of Canned Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24714. I. S. No. 024541. S. No. 3060.)

On April 8, 1930, the United States attorney for the Eastern 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 50 cases of canned grapefruit, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the La Isabella Grove Co., from San Juan, P. R., on or about April 3, 1930, and transported from Porto Rico into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Fruits of California Packed at San Jose, Santa Clara County, California, by the San Jose Fruit Packing Company;" (can) "Packed where Grown Specially for San Jose Fruit Packing Company, San Jose, California."

It was alleged in the libel that the article was misbranded in that the statements, "Fruits of California, * * * Packed at San Jose, Santa Clara County, California, by the San Jose Fruit Packing Co., San Jose, California," borne on the label, were false and misleading and deceived and misled the purchaser when applied to grapefruit grown and packed in Porto Rico. Misbranding was alleged for the further reason that the article was misbranded as to State of origin, was intended for export to a foreign country, and was not labeled so as to show that it was intended for export and prepared or packed according to specifications or directions of the foreign purchaser, nor had it been established by the shipper that the article was so prepared or packed.

On May 6, 1930, the California Packing Corporation (Inc.), a California corporation, 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