

judgment of condemnation 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 should not be sold or disposed of until it had been reconditioned in a manner satisfactory to this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17447. Adulteration and misbranding of mill feed. U. S. v. 229 Bags of Master Mill Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24508. I. S. No. 014780. S. No. 2805.)

Samples of a stock feed from the herein described shipment having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of North Carolina.

On February 21, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 229 bags of mill feed, remaining in the original unbroken packages at Elkin, N. C., alleging that the article had been shipped by the Roanoke City Mills (Inc.), from Roanoke, Va., on or about January 6, 1930, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Master Mill Feed Average Analysis: Protein 15.02 Per Cent * * * Manufactured and Guaranteed by Roanoke City Mills, Inc., Roanoke, Virginia.

It was alleged in the libel that the article was adulterated in that a substance deficient in protein and containing excessive fiber had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Protein 15.02 Per Cent," which was false and misleading and deceived and misled the purchaser.

On April 19, 1930, the Roanoke City Mills (Inc.), Roanoke, Va., 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 to be relabeled to show the true protein content, upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17448. Adulteration of tomato paste and tomato sauce. U. S. v. 52 Boxes of Tomato Paste, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24279. I. S. Nos. 017088, 017089. S. No. 2518.)

Samples of tomato paste and tomato sauce from the herein described interstate shipment having been found to be made from a product containing decomposed material, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

On November 26, 1929, the said United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 52 boxes, each containing 100 cans of tomato paste, and 44 boxes, each containing 100 cans of tomato sauce, alleging that the articles had been shipped by F. Romeo & Co. (Inc.), from Dover, Del., on or about October 29, 1929, in interstate commerce into the State of West Virginia, that they remained in the original packages at Wheeling, W. Va., and that they were adulterated in violation of the food and drugs act. The articles were labeled in part: "Panicola Brand Tomato Paste * * * Salsa di Pomodoro, Color Added, Panicola Brand [cut of ripe, red tomatoes];" and "Giulietta Brand Tomato Sauce * * * Naples Style, Giulietta Brand Salsa di Pomodoro, Uso Napoli * * * Giulietta Packing Co. Made in U. S. A."

It was alleged in the libel that the articles were adulterated in that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

On May 9, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*