

18909. Adulteration of tomato catsup. U. S. v. 300 Cases of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 27016. I. S. No. 35747. S. No. 5235.)

Samples of tomato catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On September 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 cases of tomato catsup at Kansas City, Mo., alleging that the article had been shipped by the North Ogden Canning Co., from North Ogden, Utah, on or about March 25, 1931, and had been transported from the State of Utah into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Congress Brand Tomato Catsup * * * Distributed by Kansas City Wholesale Grocery Company, Kansas City, Mo."

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 November 6, 1931, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18910. Adulteration of herring. U. S. v. 400 Pounds of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27009. I. S. No. 40944. S. No. 5223.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On or about October 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 pounds of herring, remaining unsold in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by the Hogstad Fish Co., from Duluth, Minn., on or about September 22, 1931, and had been transported from the State of Minnesota into the State of Ohio, 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 part of a filthy and putrid animal substance, and in that it was a portion of an animal unfit for food.

On October 31, 1931, 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.*

18911. Adulteration and misbranding of canned sweet corn. U. S. v. Ivan C. Morgan and Joseph S. Morgan (Morgan Packing Co.). Pleas of guilty. Fines, \$100. (F. & D. No. 26591. I. S. No. 16394.)

Samples of a product labeled sweet corn from the shipment herein described having been found to contain a large proportion of field corn, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Indiana.

On September 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Ivan C. Morgan and Joseph S. Morgan, copartners, trading as the Morgan Packing Co., Austin, Ind., alleging shipment by said defendants, in violation of the food and drugs act, on or about December 16, 1930, from the State of Indiana into the State of Illinois, of a quantity of canned sweet corn which was adulterated and misbranded. The article was labeled in part: (Can) "Scott Co. Brand Country Gentleman Sweet Corn * * * Morgan Packing Co. Austin, Indiana."

It was alleged in the information that the article was adulterated in that a product, field corn, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in whole and in part for sweet corn, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Sweet Corn," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of sweet corn; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the pur-