

3084. Adulteration of mushrooms. U. S. v. 3 Bales Dried Mushrooms. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5187. S. No. 1786.)

On April 30, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 bales of dried mushrooms, 2 of said bales weighing 403 pounds and 1 bale weighing 220 pounds, remaining unsold in the original unbroken packages and in possession of The Northwestern Storage Warehouse, Chicago, Ill., alleging that the product had been shipped by K. Marks & Co., New York, N. Y., on November 8, 1912, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On June 17, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by fire by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3085. Adulteration of tomato conserve. U. S. v. 25 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5188. S. No. 1792.)

On May 11, 1913, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases of tomato conserve remaining unsold in the original unbroken packages and in possession of the Denver & Rio Grande Railway Co., Salt Lake City, Utah, alleging that the product had been shipped by Ignatius Gross Co., New York, N. Y., on or about April 8, 1913, and transported from the State of New York into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "Order of I. Gross Co. Notify N. K. Nassilacopoulos, Salt Lake City, Utah." (On cans) "Tomato Conserve—American Conserve Co. New York. I. G. Conserva Di Tomate Packed by our special process. Rossa Guaranteed by American Conserve Co. under the Food and Drugs Act, June 30, 1906. Serial No. 9270. Containing 1-10 of 1% of Benzoate of Soda and 15% of Salt."

Adulteration of the product was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 1, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1914.*

3086. Misbranding of beer. U. S. v. 25 Cases of Beer. Decree of condemnation by default. Product ordered sold or destroyed. (F. & D. No. 5189. S. No. 1793.)

On April 29, 1913, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 cases, each containing 2 dozen bottles of beer, remaining unsold in the original unbroken packages and in the possession of the Ernst Tosetti Brewing Co., Milwaukee, Wis., alleging that the product had been shipped on April 12, 1913, by the said Ernst Tosetti Brewing Co., Chicago, Ill., and transported in interstate commerce from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On neck) "Pale Pilsener Style—Tosetti