

original unbroken packages at Galveston, Tex., alleging that the product had been shipped on November 11, 1913, and transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "4 Doz. No. 1—Miller Bros. and Co.—Jumbo Brand—Tomato Pulp—Baltimore, Md." The retail packages were labeled: "Jumbo Brand Tomato Pulp—Used for making soups, sauces, gravies, and for seasoning purposes—Tomato Pulp—Packed by Miller Bros. and Co., Baltimore, Md., U. S. A.—Jumbo Brand—Trade mark registered."

It was alleged in the libel that said article was adulterated by being decomposed and [or] putrid, and that so being decomposed and [or] putrid made the same deleterious and might render the same injurious to health, and that the decomposition and consequent adulteration of the tomato pulp aforesaid was in violation of the sixth paragraph of section 7, under "Food," of the Pure Food and Drugs Act of June 30, 1906.

On January 13, 1914, 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, and that the United States recover its costs from Miller Bros. & Co., consignors, Baltimore, Md.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3366. Misbranding of blackberry cordial. U. S. v. The Ullman Co. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 5471. I. S. No. 6016-e.)

On March 24, 1914, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ullman Co., a corporation, Cincinnati, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about October 17, 1912, from the State of Ohio into the State of Florida, of a quantity of blackberry cordial which was misbranded. The product was labeled: "Blackberry Cordial 32 oz. Alcoholic Strength 12-1/2%—Guaranteed by The Ullman Co., under the National and Florida Pure Food Laws. The Ullman Co., Cincinnati, O."

Examination of samples of the product by the Bureau of Chemistry of this department showed the following results:

	Net volume.	Shortage.
	<i>Ounces.</i>	<i>Per cent.</i>
1.....	28.06	12.30
2.....	29.43	8.07
3.....	30.77	3.84
Average.....	29.42	8.06

Misbranding of the product was alleged in the information for the reason that the statement, "32 oz.," borne on the label of the bottles containing the article, was false and misleading because it conveyed the impression that the bottles contained 32 liquid ounces of said article, whereas in truth and in fact said bottles did not contain 32 liquid ounces of said article, but contained a less amount. Misbranding was alleged for the further reason that the article was labeled and branded so as to deceive and mislead the purchaser, being labeled and branded on the bottles containing said article, "32 oz.," thereby purporting

that said bottles contained 32 liquid ounces of said article, whereas in truth and in fact said bottles did not contain 32 liquid ounces of said article, but contained a less amount.

On April 2, 1914, the defendant company entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25 and costs of \$14.35.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3367. Adulteration of tomato catsup. U. S. v. 25 Cases of Adulterated Tomato Catsup. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5472. I. S. No. 3036-h. S. No. 2044.)

On December 11, 1913, the United States attorney for the District of Oregon, 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 24 bottles of adulterated tomato catsup, remaining unsold in the original unbroken packages at Portland, Oreg., alleging that the product had been shipped on or about November 5, 1913, by the Fisher Packing Co., of San Francisco, Cal., and transported from the State of California into the State of Oregon and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Glass This Side Up with Care H & G Co. Portland Golden Gate Brand Tomato Catsup Prepared from Ripe Tomatoes Net Contents—15 ozs. Contains 1/10 of 1% Benzoate of Soda Manufactured by Fisher Packing Company, San Francisco, California."

Adulteration of the product was alleged in the libel for the reason that said catsup consisted in whole or in part of filthy, decomposed, and [or] putrid vegetable substance.

On January 15, 1914, the said Fisher Packing Co., claimant, filed its answer denying the material allegations of the libel, but afterwards entered into a stipulation with the libelant for a decree of forfeiture and condemnation, and on March 24, 1914, the cause having come on for final action, upon motion of the United States attorney, 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.

D. F. HOUSTON, *Secretary of Agriculture*.

WASHINGTON, D. C., *September 24, 1914.*

3368. Adulteration and misbranding of condensed milk. U. S. v. 14 Barrels, More or Less, of Condensed Milk. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5477. I. S. No. 4125-h. S. No. 2045.)

On December 13, 1913, the United States attorney for the Southern District of Ohio, 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 14 barrels, more or less, of a certain article of food designated as sweetened condensed milk, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been transported from the State of Illinois into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Conf. Sweetened Condensed Milk."

Adulteration of the product was alleged in the libel for the reason that a valuable constituent of said article, to wit, milk fat, had been wholly or in part abstracted therefrom. Misbranding of the article was alleged for the reason that the aforesaid labels upon the barrels containing the article bore certain statements, designs, and devices regarding said article and the ingredients and