

gallons of a product purporting to be terpeneless lemon flavor, remaining unsold in the original unbroken package at Indianapolis, Ind., alleging that the product had been transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Superlative Brand Food Flavors and Colors. Soluble Terpeneless Lemon Flavor. To gallon cold syrup add 1 ounce Lemon Flavor, 1 ounce Acid Solution, 1 ounce Sparkling Foam. Mix thoroughly and strain. Manufactured for N. Loewenstein & Co., 155 N. Clark St., Chicago, Ill. Guaranteed by N. Loewenstein & Co. under the Food and Drugs Act, June 30, 1906. Serial No. 36597."

Adulteration of the product was alleged in the libel for the reason that a dilute terpeneless lemon flavor had been mixed and packed with said product and substituted for said product so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the marks, brands, and labels on the keg as to the ingredients and substances contained in the product packed in said keg, purporting to be terpeneless lemon flavor, were false and misleading, in that, in truth and in fact, said product, purporting to be terpeneless lemon flavor, was not a terpeneless lemon flavor, but a dilute terpeneless lemon flavor which had been mixed with and packed with and substituted for terpeneless lemon flavor, and the statements contained on said marks, brands, and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On February 27, 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 sold by the United States marshal, but that before making such sale he should remove and obliterate all marks, brands, and figures thereon indicating the substances contained in said keg, and should rebrand the same by placing thereon "Dilute Terpeneless Lemon Flavor."

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

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

3455. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5439. I. S. No. 2976-h. S. No. 2052.)

On December 17, 1913, the United States attorney for the Eastern District of Texas, 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 200 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Beaumont, Tex., alleging that the product had been 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: "Net weight on labels. J. Langrall and Bro. Packers of the (picture of Indian chief) 4 dozen No. 1 cans Maryland Chief Brand Tomato Pulp, Baltimore, Md." (Stencil on side:) "Reed, Beaumont, Texas." Each of the cans was labeled: "Maryland Chief Brand Tomato Pulp made from pieces and trimmings of tomatoes Packed by J. Langrall & Bro., Inc., Baltimore, Md. Maryland Chief Brand (picture of Indian chief) Trade Mark Registered 1878, Contents 11 oz."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed and [or] putrid vegetable substance unfit for food; that is to say, tomatoes containing an excessive number of bacteria, yeasts and spores and moldy fragments of the product partially decomposed.

On April 9, 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.

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

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