

On August 14, 1918, E. Quiriglia, Philadelphia, Pa., claimant, having filed an answer admitting the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6741. Adulteration and misbranding of evaporated milk. U. S. \* \* \* v. 200 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9102. I. S. No. 11923-p. S. No. C-918.)**

On June 26, 1918, the United States attorney for the Eastern District of Missouri, 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 6 cans of alleged evaporated milk, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about June 8, 1918, by the Aviston Condensed Milk Co., Aviston, Ill., and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Purity Brand Evaporated Milk," and "Our Best Brand Evaporated Milk \* \* \* Net Weight 8 lbs."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, partially evaporated milk, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for evaporated milk.

Misbranding of the article was alleged in substance for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, evaporated milk, and for the further reason that the statement borne on the label, to wit, "Evaporated Milk," was false and misleading in that it purported to be a product known as evaporated milk when, in truth and in fact, the cans contained evaporated milk mixed with partially evaporated milk. Misbranding of the portion of the article labeled "Purity Brand" was alleged for the further reason that it was food in package form, and the statement of the net weight or measure of the contents was not plainly and conspicuously marked thereon. Misbranding of the portion of the article labeled "Our Best Brand Evaporated Milk" was alleged for the further reason that it was food in package form and was labeled as containing 8 pounds of evaporated milk, when, in truth and in fact, the cans did not contain 8 pounds of evaporated milk.

On September 11, 1918, the said Aviston Condensed Milk Co., claimant, having filed its answer and claim for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings, and execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*

**6742. Misbranding of marshmallows. U. S. \* \* \* v. Wiley's, a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 9103. I. S. Nos. 1732-p, 2867-p.)**

On November 22, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wiley's, a corporation, Atlanta, Ga., alleging shipment by said company, in