

7556. Adulteration and misbranding of shorts. U. S. * * * v. 200 Sacks of Alleged Shorts. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 11508. I. S. Nos. 8337-r, 8338-r. S. No. C-1560.)

On November 6, 1919, the United States attorney for the Eastern District of North Carolina, 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 sacks of alleged shorts, at Vass, N. C., alleging that the article had been shipped on or about September 18, 1919, by the Lancaster Commission Co., East St. Louis, Ill., and transported from the State of Illinois into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that reground bran had been mixed and packed with, and substituted wholly for, ground shorts, which the article purported to be, and for the further reason that it was mixed in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, "Brown Shorts." Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about December 19, 1919, 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 sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7557. Adulteration of tomatoes. U. S. * * * v. 893 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 11514, 11515. I. S. No. 15941-r. S. No. E-1860.)

On November 20, 1919, the United States attorney for the Eastern District of Pennsylvania, 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 893 cases of tomatoes, consigned by the Andrews Packing Co., from Linwood, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about October 7, 1919, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Asquith Brand Tomatoes * * * Packed by Andrews Packing Co. Salem, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith, and substituted wholly or in part for the article.

On December 22, 1919, Albert W. Sisk and A. Fletcher Sisk, trading as A. W. Sisk & Co., Preston, Md., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$3,600, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*