

9287. Adulteration of shelled peanuts. U. S. * * * v. 165 Bags * * *
of Shelled Peanuts. Consent decree of condemnation and forfei-
ture. Product released under bond. (F. & D. No. 14010. I. S. No.
1992-t. S. No. C-2612.)

On December 11, 1920, 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 165 bags, more or less, of shelled peanuts, at Chicago, Ill., alleging that the article had been shipped by Habicht & Co., Seattle, Wash., on October 13, 1919, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On or about March 25, 1921, the Bunte Bros., claimant, having admitted the material allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the goods might be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, and the bad portion destroyed or sold for some purpose other than as human food

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

9288. Adulteration of tomato purée. U. S. * * * v. 8,094 Cans * * *
of Tomato Puree. Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 14021. I. S. No. 4053-t. S. No. C-2605.)

On December 14, 1920, the United States attorney for the Western District of Michigan, 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 8,094 cans, more or less, of tomato purée, remaining unsold in the original unbroken packages at Fremont, Mich., originally shipped on November 19, 1918, by Jaqua & Co., the packer of the goods, from Winchester, Ind., to Chicago, Ill., alleging that the article had been shipped on or about January 1, 1919, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole and in part of a decomposed, filthy, and putrid vegetable substance, namely, decomposed tomatoes and tomato pulp and parts thereof.

On March 7, 1921, 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 destroyed by the United States marshal.

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

9289. Adulteration of tomato purée. U. S. * * * v. 1,162 Cases * * *
of Tomato Puree. Default decree of condemnation, forfeiture,
and destruction. (F. & D. No. 14023. I. S. No. 4054-t. S. No. C-2609.)

On December 14, 1920, the United States attorney for the Western District of Michigan, 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 1,162 cases, more or less, of tomato purée, remaining unsold in the original unbroken packages at Fremont, Mich., alleging that the article had been shipped by the Morgantown Packing Co., Morgantown, Ind., on or about September 3, 1919, and transported from the State of Indiana into the

State of Michigan, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole and in part of a decomposed, filthy, and putrid vegetable substance, namely, decomposed tomatoes and tomato pulp and parts thereof.

On March 7, 1921, 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 destroyed by the United States marshal.

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

9290. Misbranding of Newton's Eggno. U. S. * * * v. Newton Tea & Spice Co., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$200 and costs. Pending on appeal in Circuit Court of Appeals. (F. & D. No. 11123. I. S. No. 15473-r.)

On November 26, 1919, 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 Newton Tea & Spice Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 22, 1918, from the State of Ohio into the State of West Virginia, of a quantity of Newton's Eggno which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted largely of rice starch, skim milk powder, and milk casein or albumen, artificially colored with a coal-tar dye, with possibly a small amount of egg powder present. Microscopic examination by the said bureau showed a large amount of rice starch present. Baking tests made by the said bureau showed that cakes made with Eggno were no better in volume or quality than cakes made with water with no egg, inferior in volume to cakes made with skim milk without egg, and in no measure comparable in volume or quality to cakes made with equivalent amount of eggs, as claimed in the labeling of the article.

Misbranding of the article was alleged in substance in the information for the reason that certain statements concerning the said article and the constituents and uses thereof, appearing on the labeling of the carton containing the article and in an inclosed circular, to wit, (carton) "*** * * To Be Used In Place Of Eggs In Baking And Cooking * * * An Excellent substitute For Eggs * * * to be Used for Baking and Cooking purposes. * * * Eggno contains the constituents that cause fresh eggs to fill such an important place * * * one even teaspoonful is to be used in place of each egg called for in recipes * * * Use a teaspoonful for each egg called for * * ***" (circular) "**To Take the Place of Eggs in Baking and Cooking * * * Takes The Place Of Fresh Eggs * * * The Contents of a 25-cent Package Can Be Used in Place of Three Dozen Fresh Eggs * * * The Real Substitute For Eggs * * ***" together with a design of chickens with the statement, "**We have lost our job * * * To Take the Place of Eggs in Baking and Cooking,**" appearing on an inclosed poster, were false and misleading in that they represented to purchasers of said article that the same was a substitute for eggs, and could be used in place of eggs for baking and cooking, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it was a substitute for eggs, and could be used in place of eggs in baking and cooking, whereas, in fact and in truth, the article was not a substitute for eggs, nor could the same be used in place of eggs in baking and cooking.