

condemnation of 971 cases, more or less, of red kidney beans, consigned by the J. T. Polk Co., Greenwood, Ind., remain'g unsold in the original unbroken packages at Danville, Ill., alleging that the article had been shipped from Greenwood, Ind., on or about August 5, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Polk's Best Red Kidney Beans \* \* \* Superior Quality J. T. Polk Co., Greenwood, Indiana Distributors."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with, and substituted wholly or in part for, the said article.

Misbranding was alleged in substance for the reason that the statement on the cans containing the article, "Best Red Kidney Beans," together with a design of a dish containing red beans, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On October 27, 1920, the J. T. Polk Co., Greenwood, Ind., having entered an appearance as claimant for the property and having shown no reason why the product should not be condemned and confiscated, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9563. Adulteration of tomato pulp. U. S. \* \* \* v. 152 Cases \* \* \* of \* \* \* Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12610. I. S. No. 10809-r. S. No. C-1900.)

On April 23, 1920, the United States attorney for the District of Kansas, 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 152 cases, more or less, of tomato pulp, remaining in the original unbroken packages at Wichita, Kans., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about October 21, 1919, and transported from the State of Indiana into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "American Beauty Brand \* \* \* Whole Tomato Pulp Austin Canning Co., Austin, Ind."

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

On September 25, 1920, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9564. Misbranding of Texas Brand cottonseed cake or meal. U. S. \* \* \* v. Elgin Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 12883. I. S. No. 11972-r.)

On August 12, 1920, the United States attorney for the Western District of Texas, 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 Elgin