

colds, sore throat, and pneumonia, when, in truth and in fact, the said articles did not contain ingredients or medicinal agents effective for the purposes claimed.

On May 8, 1922, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$800 and costs.

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

10554. Adulteration of tomato purée and tomato pulp. U. S. * * * v. Joseph S. Morgan and Ivan C. Morgan (Morgan Packing Co.). Pleas of guilty. Fines, \$500 and costs. (F. & D. No. 14563. I. S. Nos. 7283-r, 7289-r, 8144-r, 8145-r, 8146-r, 8592-r, 10796-r, 10809-r.)

On May 8, 1922, the Grand Jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment in eight counts against Joseph S. Morgan and Ivan C. Morgan, of Austin, Ind., copartners, trading as the Morgan Packing Co., charging shipment by said defendants, in violation of the Food and Drugs Act, from the State of Indiana, on or about October 21, November 7, and December 30, 1919, respectively, into the States of Kansas, Wisconsin, and Missouri, respectively, and on or about February 12 and April 16, 1920, respectively, into the State of Kentucky, of quantities of tomato purée, and on or about October 21, 1919, into the State of Kansas, of a quantity of tomato pulp, all of which were adulterated. The articles were labeled in part, respectively: (Cans) "Scott Co. Brand Tomato Puree Scott County Canned Foods Trade Mark (Picture of Gen. Scott) * * *"; "Carnival Brand Tomato Puree * * *"; and "American Beauty Brand * * * Tomato Pulp * * *."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the presence of excessive mold.

Adulteration of the articles was charged in the indictment for the reason that they consisted in whole or in part of filthy and decomposed vegetable substances.

On May 8, 1922, the defendants entered pleas of guilty to the indictment, and the court imposed fines in the aggregate sum of \$500 and costs.

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

10555. Misbranding of olive oil. U. S. * * * v. 35 Cans * * * of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15027. I. S. No. 6974-t. S. No. E-3421.)

On July 16, 1921, the United States attorney for the District of New Jersey, 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 35 cans of olive oil, remaining unsold at Red Bank, N. J., alleging that the article had been shipped by the Caserta Importing Co., New York, N. Y., on or about June 10, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pure Olive Oil * * * Caserta Brand Net Contents Full Quarter Gallon * * *."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents Full Quarter Gallon," borne upon the cans containing the article, regarding the quantity of the article contained therein, was false and misleading in that the said cans did not each contain a full quarter gallon, to wit, one quart of the article, but contained a less amount, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained a full quarter gallon net of the article, whereas, in truth and in fact, the said cans did not each contain a full quarter gallon net of the article but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the actual net quantity of the contents of the said packages was less than the net quantity marked thereon.

On February 9, 1922, 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.*