

shipped by Joseph Gentile & Co. (Cleghorn Bros.), from Highland, Calif., on or about February 6, 1922, and transported from the State of California into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Judge Brand Highland Fancy Shipped by Cleghorn Bros. Highland, Calif." The remainder of the article was labeled in part: "Good Taste Brand Highland Oranges Cleghorn Bros. Highland, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On February 24, 1922, Evans and Peppers, a copartnership consisting of O. C. Evans and E. H. Peppers, claimants, having admitted the allegations of the libel and consented to a decree of condemnation and forfeiture, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be salvaged under the supervision of this department, the decomposed oranges destroyed and the portion meeting the requirements of the law delivered to the claimant without condition.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11065. Misbranding of sour mixed pickles. U. S. v. 8 Cases of Sour Mixed Pickles. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15956. I. S. No. 12762-t. S. No. C-3011.)

On February 7, 1922, 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 a libel, and thereafter an amendment to the said libel, praying the seizure and condemnation of 8 cases of sour mixed pickles at Austin, Tex., alleging that the article had been shipped by the California Packing Corp., San Jose, Calif., on or about December 10, 1921, and transported from the State of California into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Del Monte Brand Quality Sour Mixed Pickles Net Weight 12 Oz. Drained Weight 8½ Oz. * * * California Packing Corporation * * * San Francisco California."

Misbranding of the article was alleged in substance in the libel, as amended, for the reason that the following statements appearing on the cans containing the said article, "Net Weight 12 Oz. Drained Weight 8½ Oz.," were false and misleading and deceived and misled the purchaser. 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.

On June 14, 1922, Nelson Davis & Son, Austin, Tex., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11066. Adulteration and misbranding of flour. U. S. v. 490 Bags of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16348. I. S. No. 10873-t. S. No. W-1091.)

On May 25, 1922, the United States attorney for the Northern District of California, 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 490 bags of flour, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Kalispell Flour Mill Co., from Kalispell, Mont., May 10, 1922, and transported from the State of Montana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The Royal Milling Co. Rex Rex is King Bleached Manufactured By Kalispell Flour Mill Company Kalispell, Montana 98 Lbs. Rex Flour."

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

Misbranding was alleged for the reason that the statement, "98 Lbs.," appearing on the sacks containing the article, was false and misleading and deceived and misled purchasers. 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.

On June 2, 1922, H. H. Cook, San Francisco, Calif., claimant, having consented to the entry of a decree, 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 \$1,300, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act, under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11067. Misbranding of candy. U. S. v. Louis K. Liggett Co., a Corporation. Collateral of \$50 forfeited. (F. & D. No. 16559. I. S. Nos. 17023-t, 17024-t.)

On October 24, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Louis K. Liggett Co., a corporation, trading in the District of Columbia, alleging that on March 16, 1922, the said company did offer for sale and sell at the District of Columbia, in violation of the Food and Drugs Act, as amended, quantities of chocolate peppermint candy and Jordan almonds which were misbranded. The chocolate peppermint candy was labeled in part: (Outside of package) "Liggett's America's Greatest Drug Stores Candy Department;" (inside of package) "16 Oz. Net." The package containing the Jordan almonds was unlabeled and unmarked.

Misbranding of the articles was alleged in the information for the reason that each article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1922, the defendant company having failed to enter an appearance, the \$50 collateral which had been deposited by it to secure its appearance was declared forfeited by the court.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11068. Adulteration of tomato catsup. U. S. v. 22 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16797. I. S. Nos. 79-v, 80-v. S. No. E-4163.)

On September 6, 1922, the United States attorney for the Southern District of New York, 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 22 cases of tomato catsup, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by S. J. Van Lill Co., Baltimore, Md., on or about July 19, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Somerset Club Brand Catsup * * * Contents 6 Lbs. 6 Ozs."

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

On October 31, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11069. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16806. I. S. No. 3768-v. S. No. C-3800.)

On September 7, 1922, 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 43 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Wittenberg Cooperative Dairy Co., Wittenberg, Wis., August 21, 1922, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.