

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.