

**11588. Adulteration of shell eggs. U. S. v. Tom Jackson. Plea of guilty. Fine, \$50. (F. & D. No. 16929. I. S. No. 1106-v.)**

On February 3, 1923, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tom Jackson, trading at Pennsboro, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 24, 1922, from the State of West Virginia into the State of Maryland, of a quantity of eggs which were adulterated. The article was labeled in part: "From Tom Jackson, General Merchandise Pullman, W. Va."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 291, or 26.9 per cent of the total examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

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

On May 22, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11589. Misbranding of potatoes. U. S. v. American Fruit Growers, Inc., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 16932. I. S. Nos. 9342-t, 9343-t, 9344-t.)**

On January 16, 1923, the United States attorney for the Eastern District of South Carolina, 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 American Fruit Growers, Inc., a corporation, Charleston, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 26, 1922, from the State of South Carolina into the State of Pennsylvania, of quantities of potatoes which were misbranded. A portion of the article was labeled in part: "American Fruit Growers (A F G) Hilton Charleston, S. C." The remainder of the article was labeled in part: "No. 1 (A F G)."

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

On January 18, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11590. Adulteration and misbranding of canned clams. U. S. v. 12 Cases of Canned Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17016. I. S. No. 50-v. S. No. E-4238.)**

On December 7, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of canned clams, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Andrew Kerr Co., Barnstable, Mass., on or about October 6, 1922, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Polo Brand \* \* \* Clams Contents 5 Oz. \* \* \* Clams."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that brine had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels on the cans containing the article bore the following statements, "Clams Contents 5 Oz. \* \* \* Clams," together with a design showing clams, which 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 May 23, 1923, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11591. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17036. I. S. No. 11036-v. S. No. C-2945.)**

On December 15, 1922, 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 a libel praying the seizure and condemnation of 80 barrels of vinegar at Springfield, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about October 3, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Pure Cider Vinegar Made From Apples Reduced To 4% Net Contents 52 Gals. Man'fd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for pure cider vinegar made from apples, which the said article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of and offered for sale under the distinctive name of another article.

On May 11, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations of the libel and 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 the 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 it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11592. Adulteration and misbranding of chocolate. U. S. v. 216 Pounds, et al., of Chocolate. Consent decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 17044. I. S. Nos. 1020-v, 1021-v, 1022-v. S. No. E-4245.)**

On December 19, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 320 pounds of chocolate, consigned November 9, 1922, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by William H. Baker, Inc., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Justice Brand Premium No. 1 Chocolate Net Weight 1/5 Lb." (or "1/2 Lb." or "1/4 Lb.") "\* \* \* William H. Baker \* \* \* Incorporated \* \* \* N. Y. City."

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive shells had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement on the label of the packages containing the article, "Premium No. 1 Chocolate," was false and misleading and deceived and misled the purchaser.

On March 14, 1923, William H. Baker, Inc., New York, N. Y., claimant, having denied the allegations of the libel but having assented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11593. Adulteration and misbranding of cream of chocolate. U. S. v. Cream of Chocolate Co., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 17063. I. S. Nos. 5055-t, 5605-t.)**

On March 22, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District