11662. Misbranding of tomatoes. U. S. v. Ernest M. Shoemaker (E. M. Shoemaker). Plea of guilty. Fine, $5 and costs. (F. & D. No. 16018. I. S. No. 2930–t.)

On May 10, 1922, the United States attorney for the Eastern 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 Ernest M. Shoemaker, trading as E. M. Shoemaker, Jacksonville, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 9, 1921, from the State of Texas into the State of Missouri, of a quantity of tomatoes in crates which were misbranded. Some of the crates bore no statement relative to weight, measure, or numerical count. The rest of them were marked "1/3 Bu."

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 May 4, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5 and costs.

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

11663. Adulteration of chloroform. U. S. v. 168 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16648. S. No. C–3716.)

On July 21, 1922, the United States attorney for the Northern 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 168 cans of chloroform, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped from New York, N. Y., on or about March 7, 1922, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On April 14, 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.*

11664. Adulteration and misbranding of beans. U. S. v. 210 Bags of Beans. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16823. I. S. No. 13645–t. S. No. E–4067.)

On September 19, 1922, the United States attorney for the Northern District of Georgia, 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 210 bags of beans, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Wholesalers & Exporters Brokerage Co., from New Orleans, La., on or about May 10, 1922, and transported from the State of Louisiana into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Pink 90 Net When Packed."

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

Misbranding was alleged for the reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package containing the said article.

On November 4, 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. On November 18, 1922, the decree providing for the destruction of the product was modified to permit its release to the H. L. Singer Co., Atlanta, Ga., upon pay-

ment 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, conditioned that it be used for hog feed.

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

11665. Adulteration of shell eggs. U. S. v. 62 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 16831. I. S. No. 3864–v. S. No. C–3791.)

On August 26, 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 praying the seizure and condemnation of 62 cases of shell eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Anderson Produce Co., from Milan, Mo., August 19, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On September 1, 1922, M. P. Rutledge, Chicago, Ill., 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 candled under the supervision of this department, the bad portion destroyed and the good portion released to the said claimant.

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

11666. Adulteration of evaporated milk. U. S. v. 600 Cases of Evaporated Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17114. I. S. No. 4110–v. S. No. C–3866.)

On January 6, 1923, 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 praying the seizure and condemnation of 600 cases of evaporated milk, consigned by Burt-Zaiser Co., Burlington, Iowa, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped from Burlington, Iowa, December 2, 1922, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Autumn Leaf Brand Evaporated Milk Average Net Weight One Pound or Over Packed for Burt-Zaiser Company, Burlington, Iowa."

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

On July 12, 1923, the Food Products Supply Service, 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 the good portion be separated from the bad under the supervision of this department, the bad portion destroyed and the good portion released for manufacturing purposes which would require cooking.

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

11667. Adulteration of canned sweet corn. U. S. v. 60 Cases of Sweet Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15745. I. S. No. 13472–t. S. No. C–3378.)

On December 21, 1921, 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 praying the seizure and condemnation of 60 cases of sweet corn at Wichita, Kans., alleging that the article had been shipped by the Elgin Canning Co., from Elgin, Iowa, on or about October 12, 1921, and transported from the State of Iowa into the State of Kansas, and charging adulteration in violation of the Food and Drugs Act. The article was