

12726. Adulteration and misbranding of chocolate concentrate. U. S. v. 4 Cans of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18683. I. S. No. 2439-v. S. No. E-4841.)

On May 15, 1924, the United States attorney for the Western District of Pennsylvania, 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 4 cans of chocolate concentrate, at Kecksburg, Pa., alleging that the article had been shipped by Jack Beverages, Inc., from New York, N. Y., on or about April 2, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate Contains Sodium Benzoate for less than 1-10 of 1% * * * Jack Beverages, Inc. * * * New York."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement in the labeling, "Real Chocolate Concentrate," was false and misleading and deceived and misled the purchaser.

On September 26, 1924, 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, *Secretary of Agriculture.*

12727. Adulteration of tomato paste. U. S. v. 450 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18413. I. S. No. 2321-v. S. No. E-4756.)

On February 25, 1924, the United States attorney for the Western District of Pennsylvania, 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 450 cases of tomato paste, in part at Pittsburgh, Pa., and in part at Monessen, Pa., alleging that the article had been shipped by the Mt. Holly Canning Co., Mt. Holly, N. J., between the dates of August 25 and October 27, 1923, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Savoy Brand Pure Tomato Paste * * * Packed By Mt. Holly Canning Co. Mt. Holly, N. J."

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

On September 26, 1924, 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, *Secretary of Agriculture.*

12728. Adulteration and misbranding of prepared mustard. U. S. v. 18 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18798. I. S. No. 12955-v. S. No. E-4864.)

On June 9, 1924, 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 praying the seizure and condemnation of 18 cases of prepared mustard, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Federal Food Products Co., from Newark, N. J., on or about May 15, 1924, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Apex Brand 8 Ounces Net Mustard Bran Prepared Mustard Made From Mustard Seed, Pure Spices, Turmeric, Salt And Distilled Vinegar."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, for the further reason that imitation mustard had been substituted wholly or in part for the