

upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12981. Misbranding and alleged adulteration of caviar. U. S. v. 298 Cases and 432 Cases of Caviar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19065. I. S. Nos. 19052-v, 19053-v. S. No. C-4505.)

On October 17, 1924, 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 730 cases of caviar, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Austin Nichols & Co., from Brooklyn, N. Y., January 1, 1924, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Casino Brand Caviar Chelsea Packing Company, New York."

Adulteration of the article was alleged in the libel for the reason that roe other than sturgeon had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been artificially colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Caviar" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of another article, namely, caviar.

On January 14, 1925, Austin Nichols (Inc.), Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further 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, "White Fish Caviar, Artificially Colored."

W. M. JARDINE, *Secretary of Agriculture.*

12982. Misbranding of tankage. U. S. v. 130 Sacks of Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18806. I. S. No. 8847-v. S. No. C-4426.)

On or about July 5, 1924, the United States attorney for the District of Indiana, 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 130 sacks of digester tankage, remaining in the original unbroken packages at Orleans, Ind., alleging that the article had been shipped by the Joseph F. Herrmann Co., Chicago, Ill., on or about May 13, 1924, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Herrmann's Digester Tankage Joseph F. Herrmann Co. Chicago, Not less than * * * 60% Protein."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labeling, namely, "60% Protein," was false and misleading and deceived and misled the purchaser, in that the said article contained less than 60 per cent of protein.

On October 11, 1924, Joseph H. Herrmann & Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12983. Adulteration and misbranding of tomato paste. U. S. v. 252 Cases and 92 Cases of Tomato Paste. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 19204, 19222. I. S. Nos. 22640-v, 22644-v. S. Nos. C-4543, C-4555.)

On November 24, and December 2, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said

district libels praying the seizure and condemnation of 344 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co. (Inc.), on or about October 24, 1924, in part from Buena Park, Calif., and in part from Los Angeles, Calif., and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kitty Brand" (or "Angel Brand") "Tomato Paste Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially-colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce [Paste]" was false and misleading and deceived and misled the purchaser.

On December 16, 1924, the New Central Canning Co. (Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation 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 bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

12984. Adulteration and misbranding of tomato sauce or paste. U. S. v. 249 Cases and 33 Cases of Tomato Paste. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 19190, 19376. I. S. Nos. 22635-v, 22645-v. S. Nos. C-4539, C-4569.)

On or about November 24, and December 11, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 282 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hershel California Fruit Products Co., in various consignments, in part from San Jose, Calif., on or about September 30, and October 10, 1924, respectively, and in part from San Francisco, Calif., on or about November 30, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libels for the reason that an artificially-colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," appearing in the labeling, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On December 16 and 17, 1924, respectively, the Hershel California Fruit Products Co. (Inc.), San Jose, Calif., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were 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 bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

12985. Adulteration and misbranding of tomato paste. U. S. v. 1,142 Cases of Tomato Paste. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 19415. I. S. No. 22682-v. S. No. C-4584.)

On December 22, 1924, the United States attorney for the Eastern District of Louisiana, 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 1,142 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the La Sierra Heights Canning Co., from Los Angeles, Calif., on or about November 15, 1924, and transported from the State of California into