

offered for sale under the distinctive name of another article, to wit, pure cider vinegar.

On January 19, 1925, 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.

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

**12990. Misbranding and alleged adulteration of tomato sauce. U. S. v. 36 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. No. 19165. I. S. No. 20979-v. S. No. W-1607.)

On November 13, 1924, the United States attorney for the Western District of Washington, 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 36 cases of tomato sauce, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Best Foods (Inc.), from San Francisco, Calif., September 20, 1924, and transported from the State of California into the State of Washington, 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. \* \* \* San Jose Cal. Packers of Contadina Brand Naples Style Tomato Sauce."

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

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Salsa Di Pomodoro" were false and misleading and deceived and misled the purchaser.

On January 2, 1925, the Hershel California Fruit Products Co., San Jose, Calif., 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 forfeiture, 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 \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

**12991. Misbranding of butter. U. S. v. 2,010 Pounds of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 18959. I. S. No. 18344-v. S. No. C-4472.)

On or about August 25, 1924, the United States attorney for the Eastern District of Tennessee, 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 2,010 pounds of butter, at Knoxville, Tenn., alleging that the article had been shipped by the Sugar Creek Creamery Co., Louisville, Ky., August 14, 1924, and transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was contained in parchment wrappers bearing the statement "Four Ounces Net."

It was alleged in substance in the libel that the article was misbranded in that the packages labeled "Four Ounces Net" did not each contain 4 ounces net of butter but did contain a less amount.

On November 3, 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 sold by the United States marshal.

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

**12992. Misbranding of butter. U. S. v. 55 Pounds of Butter. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 18970. I. S. Nos. 18342-v, 18343-v. S. No. C-4477.)

On or about August 28, 1924, the United States attorney for the Eastern District of Tennessee, 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 55 pounds of butter, at Chattanooga, Tenn., alleging that the article had been shipped by the Andrew Rohan Co., Cincinnati, Ohio, August 12, 1924, and transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the food and