

On February 3, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13070. Adulteration of canned sardines. U. S. v. 21 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19379. I. S. No. 16945-v. S. No. E-5046.)**

On December 12, 1924, the United States attorney for the District of Massachusetts, 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 21 cases of sardines, remaining in the original unbroken packages at Boston, Mass., consigned by the Bayshore Sardine Co., Columbia, Me., alleging that the article had been shipped from Columbia, Me., August 20, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "B. & S. Brand American Sardines in Cotton Seed Oil Packed By Bayshore Sardine Co. Addison, Me."

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

On January 29, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13071. Adulteration of canned tomatoes. U. S. v. 99 Cases of Canned Tomatoes. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 19388. I. S. No. 13406-v. S. No. E-5049.)**

On December 18, 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 99 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Thos. Roberts & Co., from McDaniel, Md., on or about October 31, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

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

On February 5, 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 delivered to a charitable institution for consumption but not for sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13072. Misbranding of digester tankage. U. S. v. 91 Sacks of Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19036. I. S. No. 9107-v. S. No. C-4498.)**

On September 29, 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 91 sacks of digester tankage, remaining in the original unbroken packages at Orestes, Ind., alleging that the article had been shipped by G. A. Tasker Co., Blue Island, Ill., on or about September 28, 1924 [March 6, 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: (Sack) "100 Lbs. Byutico Brand Digester Tankage Analysis Protein 60.00% \* \* \* Manufactured By By-Products Utilization Co. Factory Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 60.00%," borne on the said sacks, was false and misleading and was calculated to deceive and mislead the purchaser, in that the said product did not contain 60 per cent of protein but did contain a smaller amount.

On February 5, 1925, the Urmston Grain & Seed Co., Orestes, Ind., having appeared as claimant for the property and having paid the costs of the proceedings, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13073. Adulteration and misbranding of butter. U. S. v. 25 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16788. I. S. No. 3075-v. S. No. E-4160.)**

On September 6, 1922, the United States attorney for the Southern 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 25 cases of butter, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by the Union Springs Creamery, Union Springs, Ala., on or about August 22, 1922, and transported from the State of Alabama into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Creamery Butter One Pound."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article to wit, butterfat, had been in whole or in part abstracted therefrom.

Misbranding was alleged for the reason that the packages or labels bore a statement, to wit, "Pure Creamery Butter One Pound," which was false and misleading and deceived and misled the purchaser, for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, and for the further 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 packages, since the statement on the said packages, to wit, "One Pound," was incorrect.

On September 29, 1922, the Union Springs Creamery, Union Springs, Ala., 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 payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, and it was further ordered that the product be reworked and relabeled in compliance with law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13074. Misbranding and alleged adulteration of tomato paste. U. S. v. 900 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19220. I. S. Nos. 19062-v, 19063-v. S. No. C-4552.)**

On December 3, 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 900 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., November 3, 1924, and transported from the State of California 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) "Tomato Sauce \* \* \* Packed By Hershel Cal. Fruit Prod. Co. San Jose, Cal." A portion of the article was contained in cases labeled in part: "Contadina Brand Tomato Paste Hershel California Fruit Products Co. San Jose, Calif."

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

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Paste," appearing in the labeling, were false and misleading and deceived and misled the purchaser when applied to a tomato sauce or tomato paste containing artificial color.

On February 5, 1925, G. Matalone, Chicago, Ill., 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 order-