

On May 12, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$250, in conformity with section 10 of the act, conditioned in part that it be dried further and not be disposed of until inspected by a representative of this department.

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

13682. Adulteration and misbranding of jam. U. S. v. 447 Cases of Tre-Vyn Brand Jam. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18884 to 18888, incl. I. S. Nos. 18166-v to 18172-v, incl. S. No. C-4453.)

On August 6, 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 447 cases of Tre-Vyn brand jam, alleging that the article had been shipped by the Best-Clymer Co., from St. Louis, Mo., on or about May 30, 1924, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Tre-Vyn Brand * * * Corn Syrup-Fruit Pectin Compound And Blackberry" (or "Loganberry" or "Raspberry" or "Strawberry" or "Pineapple" or "Peach" or "Plum") "Jam * * * Added Phosphoric Acid Contents 15 Ozs. Best-Clymer Company, St. Louis, Mo." The labels, with the exception of the peach and pineapple jam, bore the further statement "Artificial Color."

Adulteration was alleged with respect to the peach and pineapple jam for the reason that an imitation product had been mixed and packed therewith so as to reduce or lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged with respect to the remainder of the product for the reason that an artificially colored imitation product had been mixed and packed with and substituted wholly or in part for the article, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Blackberry Jam," "Pineapple Jam," "Peach Jam," "Loganberry Jam," "Raspberry Jam," "Strawberry Jam," and "Plum Jam," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On February 9, 1925, the Best-Clymer Co., St. Louis, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$500, in conformity with section 10 of the act.

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

13683. Adulteration and misbranding of butter. U. S. v. 41 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20035. I. S. No. 23783-v. S. No. C-4713.)

On April 6, 1925, 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 41 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hillsboro Brokerage Co., Tampa, Fla., on or about March 17, 1925, and transported from the State of Florida into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Aunt Sally's Creamery Butter * * * One Pound Net * * * Harrow-Taylor Butter Co. Kansas City."

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

Misbranding was alleged for the reason that the statement "Full Pound Net" ("One Pound Net"), borne on the cartons containing the article, was false and misleading and deceived and misled the purchaser, in that the cartons

contained less than declared on the labels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On April 17, 1925, the Harrow-Taylor Butter Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, 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 \$200, in conformity with section 10 of the act, said bond providing that the product be reworked and reconditioned in compliance with law.

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

13684. Adulteration and misbranding of vanillin. U. S. v. 25 Pounds of Vanillin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18788. I. S. No. 18251-v. S. No. C-4030.)

On June 17, 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 25 pounds of vanillin, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hymes Bros. Co., from New York, N. Y., on or about May 3, 1924, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Vanillin Chemically Pure Hymes Brothers & Company, New York."

Adulteration of the article was alleged in the libel for the reason that a substance, acetanilid, 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. Adulteration was alleged for the further reason that it contained an added poisonous or other added deleterious ingredient, acetanilid, which might have rendered the article injurious to health.

Misbranding was alleged for the reason that the statement "Vanillin Chemically Pure," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 7, 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.

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

13685. Adulteration and misbranding of tomato paste. U. S. v. 225 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19196. I. S. No. 22639-v. S. No. C-4544.)

On November 24, 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 225 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., Inc., from San Francisco, Calif., on or about October 25, 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 libel 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" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label.

On December 17, 1924, the Hershel California Fruit Products Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said