

tion and misbranding in violation of the food and drugs act. One shipment of the article was labeled: "Buffalo Brand Tomato Paste. \* \* \* Puro Di Pomodoro Packed By V. Taormina & Co. New Orleans." The remainder of the said article was labeled: "Buffalo Brand Tomato Paste \* \* \* Puro Di Pomodoro Packed By Uddo Bros. Co., Inc., New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, 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 Paste" and "Puro Di Pomodoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On September 12, 1925, Cook & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of the court were entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$950, conditioned that it not be sold or otherwise disposed of contrary to law.

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

**14083. Adulteration and misbranding of ice cream. U. S. v. Arctic Dairy Products Co. Plea of guilty. Fine, \$40. (F. & D. No. 18582. I. S. Nos. 5063-v, 5350-v.)**

On April 21, 1925, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arctic Dairy Products Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about August 7 and 9, 1923, respectively, from the State of Missouri into the State of Kansas, of quantities of ice cream which was adulterated and misbranded.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, coconut oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for ice cream, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the article was a product composed in part of coconut oil, prepared in imitation of ice cream, and was offered for sale and sold under the distinctive name of another article, to wit, ice cream.

On November 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

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

**14084. Misbranding and alleged adulteration of oysters. U. S. v. 80 Cases and 147 Cases of Oysters. Decree entered, adjudging product to be misbranded and ordering its release under bond. (F. & D. No. 18441. I. S. Nos. 5209-v, 5210-v. S. No. C-4310.)**

On or about March 5, 1924, the United States attorney for the Western District of Missouri, 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 227 cases of oysters, at Kansas City, Mo., alleging that the article had been shipped by the Marine Products, Inc., from Biloxi, Miss., on or about January 11, 1924, and transported from the State of Mississippi into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Konisur Brand Cove Oysters Packed By Sea Food Co. Biloxi, Miss. Contents 10 Ounces" (or "Contents 5 Ounces").

It was alleged in substance in the libel that the article was adulterated, in that excessive brine had been mixed and packed with the product so that its quality and strength had been reduced and lowered and in that brine had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements borne on the labels "10 Ounces" and "5 Ounces," as the case might be, were false and misleading and deceived and misled the purchaser, and 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, since the quantity stated was incorrect.

On April 28, 1924, the Marine Products, Inc., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented that judgment might be entered for the condemnation and forfeiture of the property, a decree of the court was entered, finding the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the cost 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 not be sold or disposed of until it had been salvaged, and relabeled under the supervision of this department.

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

**14085. Adulteration of canned sardines. U. S. v. 284 Cases, et al., of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19136. I. S. Nos. 19561-v, 19562-v, 19563-v. S. No. C-4043.)

On November 10, 1924, the United States attorney for the Eastern District of Missouri, 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 284 cases and 24 cans of sardines, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by L. D. Clark & Son, Eastport, Me., on or about June 18, 1924, and transported from the State of Maine into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines \* \* \* Packed At Eastport, Washington Co. Me. By L. D. Clark & Son."

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 animal substance.

On January 19, 1926, 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.*

**14086. Adulteration of dried chestnuts. U. S. v. 90 Bags of Dried Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20559. I. S. No. 7099-x. S. No. E-5538.)

On November 5, 1925, 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 90 bags of dried shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Luigi & Mose Righenzi, from Cuneo, Italy, on or about January 3, 1925, and transported from a foreign country 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 it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On December 20, 1925, the Cuneo Importing Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 \$700, in conformity with section 10 of the act, conditioned in part that the said product be sorted so as to separate the good nuts from the bad, that it be inspected by a representative of this department, and the bad nuts denatured or destroyed.

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

**14087. Adulteration of pitted cherries. U. S. v. 1 Barrel of Pitted Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20522. I. S. No. 6946-x. S. No. E-5520.)

On October 20, 1925, the United States attorney for the District of New Jersey, 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 barrel of pitted cherries, at Newark, N. J., alleging that the article had been shipped by Dale & Pugh, Middleport, N. Y., on or about July 15, 1925, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dalecrest Pack Pitted Cherries. H. W. Dale Lockport, N. Y."