

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

Misbranding was alleged in that the designations "5 Oz." and "5 Ozs.," borne on the labels, were false and misleading and deceived 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 cases and cans, in that the quantity stated thereon was not correct.

On October 5, 1925, no claimant having appeared for the property, a decree was entered, adjudging the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be destroyed by the United States marshal.

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

14397. Adulteration of tomato paste. U. S. v. 4 Cases of Tomato Paste. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 19877. I. S. No. 13581-v. S. No. E-5165.)

On March 11, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of tomato paste, remaining in the original unbroken packages at Derby, Conn., alleging that the article had been shipped by Ernest Tomaini, Eatontown, N. J., on or about October 25, 1924, and transported from the State of New Jersey into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Fabrica Di Conserve Alimentari Tomaini & Tomaini Tomato Sauce Co. Naples Style-Eatontown, N. J."

Adulteration of the article was alleged in the libel for the reason that it contained partially rotten tomatoes so as to reduce and lower and injuriously affect its quality and strength and for the further reason that it consisted in whole or in part of a filthy, decomposed or putrid vegetable substance.

On June 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.

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

14398. Misbranding of feeds. U. S. v. Acme-Evans Co. Plea of guilty. Fine, \$200. (F. & D. No. 19752. I. S. Nos. 19865-v, 21887-v.)

On May 22, 1926, the Grand Jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the Acme-Evans Co., a corporation, Indianapolis, Ind., charging shipment by said company, in violation of the food and drugs act, on or about September 27, 1924, from the State of Indiana into the State of Ohio, and on or about February 10, 1925, from the State of Indiana into the State of Kentucky, of quantities of feeds which were misbranded. The articles were labeled, respectively, in part: "Acme Egg Mash Guaranteed Analysis Minimum Protein 20% * * * Ingredients * * * Alfalfa Meal * * * Sole Manufacturers Acme-Evans Co. Indianapolis, Ind." and "Producer Chop Made By Acme-Evans Co., Indianapolis, Ind. Guaranteed Analysis Protein 8.00 Per Cent Fat 2.50 Per Cent Fiber 15.00 Per Cent."

Examination by the Bureau of Chemistry of this department of a sample of the Acme egg mash showed 18.8 per cent protein and no alfalfa meal; examination of a sample of the Producer chop showed 6.38 per cent protein, 2.09 per cent fat, and 16.14 per cent fiber.

Misbranding of the Acme egg mash was alleged in the indictment for the reason that the statements, to wit, "Guaranteed Analysis Minimum Protein 20%," and "Alfalfa Meal," borne on the labels, were false and misleading, in that they represented that the article contained not less than 20 per cent of protein, and that it contained alfalfa meal, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent of protein and that it contained alfalfa meal, whereas the said article contained less than 20 per cent of protein and contained no alfalfa meal.