

14708. Adulteration and misbranding of jam. U. S. v. 10 Dozen Jars of Raspberry Jam and 10 Dozen Jars of Strawberry Jam. Default decree of forfeiture and destruction entered. (F. & D. No. 20266. I. S. Nos. 21752-v, 21753-v. S. No. E-5432.)

On July 24, 1925, the United States attorney for the Eastern 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 seizure and condemnation of 20 dozen jars of jam, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Whipple Co., Natick, Mass., on or about April 27, 1925, and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Old Town * * * Strawberry" (or "Raspberry") "Fruit, Gran. Sugar, Corn Syrup The Whipple Company Natick, Mass."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in fruit and containing excessive sugar and glucose had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of another article.

On March 27, 1926, no claimant having appeared for the property, judgment of 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.*

14709. Adulteration and misbranding of macaroni. U. S. v. 44 Boxes of Macaroni. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 21218. I. S. No. 8284-x. S. No. E-5842.)

On August 7, 1926, 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 seizure and condemnation of 44 boxes of macaroni, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Cassinelli Macaroni Co., from Hoboken, N. J., on or about July 8, 1926, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Optimus Brand Alimentary Paste Macaroni U. S. Certified Color Use."

Adulteration of the article was alleged in the libel for the reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, alimentary paste.

On October 16, 1926, the Cassinelli Macaroni Co., Hoboken, N. J., 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 \$500, conditioned in part that it be relabeled, "Imitation Egg Paste, Artificially Colored and Contains no Eggs."

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

14710. Adulteration of canned salmon. U. S. v. 450 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19209. I. S. Nos. 21455-v, 21463-v, 21467-v. S. No. C-4551.)

On November 28, 1924, the United States attorney for the Eastern District of Michigan, 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 450 cases of salmon, remaining in the original unbroken packages at Lansing, Mich., alleging that the article had been shipped by the Ward's Cove Packing Co., from Prince Rupert, British Columbia, August 25, 1924, and that it had been shipped in interstate and foreign commerce into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ward's Cove Pink Salmon Packed by Ward's Cove Packing Co. Ketchikan, Alaska."

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 March 3, 1926, the Ward's Cove Packing Co., 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 \$4,500, in conformity with section 10 of the act, conditioned in part that the product be salvaged, the portion unfit for human food destroyed, and the remainder released.

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

14711. Misbranding of poultry feed. U. S. v. Marine Products Co., Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19782. I. S. Nos. 10457-x, 10460-x, 10464-x, 10465-x, 10467-x.)

On September 24, 1926, 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 an information against the Marine Products Co., Inc., a corporation, Tacoma, Wash., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about June 26 and December 10, 1925, and January 7 and 20, 1926, respectively, from the State of Washington into the State of Oregon of quantities of poultry feed which was misbranded. A portion of the article was labeled, "Argentine Scraps-O-Meat Brand * * * Guaranteed Analysis Crude Protein—Not less than 50% * * * Ash—Not more than 20% * * * Manufactured by Marine Products Co., Inc. Tacoma, Washington." The remainder of the said article was labeled, "Meat Meal Poultry Food Protein not less than 50% * * * Crude Fibre not more than 2½% Ash not more than 20% Manufactured by Marine Products Co. Inc. Tacoma, Wash."

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Crude Protein—Not less than 50% * * * Ash—Not more than 20%," with respect to a portion of the product and the statements "Protein not less than 50% Crude Fibre not more than 2½% Ash not more than 20%," with respect to the remainder thereof, borne on the sacks containing the said article, were false and misleading, in that the said statements represented that the article contained not less than 50 per cent of protein and not more than 20 per cent of ash, and that a portion thereof contained not more than 2½ per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that it contained not less than 50 per cent of protein and not more than 20 per cent of ash, and that a portion contained not more than 2½ per cent of crude fiber, whereas the article contained less than 50 per cent of protein and more than 20 per cent of ash, and the said portion contained more than 2½ per cent of crude fiber.

On September 28, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

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

14712. Misbranding of Vitona. U. S. v. 200 Packages of Vitona. Default decree of destruction entered. (F. & D. No. 21003. I. S. No. 1987-x. S. No. C-5065.)

On April 6, 1926, the United States attorney for the Southern District of Ohio, 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 Vitona, at Columbus, Ohio, consigned by the Vitona Mineral Ore Co., Marshall, Tex., November 14, 1925, alleging that the article had been shipped in interstate commerce from Marshall, Tex., into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Packed by Vitona Mineral Ore Co. * * * Marshall, Tex."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of crude silicate ore containing iron sulphate, free sulphur and charcoal, with traces of calcium, magnesium and aluminum sulphates.

It was alleged in substance in the libel that the article was misbranded, in that the following statements regarding its curative and therapeutic effects, borne on the carton containing the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Vitona for Rheumatism, Indigestion, Kidney and Bladder Troubles; and for all Diseases arising from Impure or Impoverished Blood * * * In severe cases of Rheumatism and Gout * * * a miner