

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 \$40, conditioned in part that it not be sold or disposed of until relabeled, and inspected and approved by this department.

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

**14843. Adulteration of tomato catsup. U. S. v. 46 Cases & 9 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18823. I. S. Nos. 16566-v, 16567-v. S. No. E-4882.)

On July 12, 1924, 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 seizure and condemnation of 55 cases of tomato catsup, remaining in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped by Lutz & Schramm Co., from Allegheny, Pa., on or about April 10, 1924, and transported from the State of Pennsylvania into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "L. & S. Tomato Catsup \* \* \* Lutz & Schramm Co., Pittsburgh, Pa."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On January 27, 1927, 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.*

**14844. Adulteration and misbranding of butter. U. S. v. 400 Pounds and 900 Pounds of Butter. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 21440, 21441. I. S. Nos. 3441-x, 3444-x. S. Nos. C-5257, C-5249.)

On November 4 and 5, 1926, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,300 pounds of butter, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by the Milbank Creamery Co., from Milbank, S. Dak., in part October 21, 1926, and in part October 28, 1926, and transported from the State of South Dakota into the State of Minnesota, and charging adulteration with respect to a portion of the product, and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act as amended. The article was labeled in part: "Milbank Butter One Pound Net When Packed \* \* \* (cut of flag bearing words "M. Langenfeld Will Bailey Milbank Creamery Co. Milbank South Dakota").

Adulteration of the article was alleged in the libels 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 with respect to a portion of the product for the reason that it was offered for sale under the distinctive name of another article, and in that it was food in package form and the quantity of the contents was not declared.

On November 18, 1926, the Milbank Creamery Co., Milbank, S. Dak., having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, decrees of the court were entered, ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,000, conditioned in part that it be reworked under the supervision of this department.

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

**14845. Adulteration and misbranding of grape flavor. U. S. v. 50 Pounds of Grape Flavor, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16795, 16836. I. S. Nos. 3065-v, 3079-v. S. Nos. E-4155, E-4192.)

On September 1 and 25, 1922, respectively, the United States attorney for the Western District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 100 pounds of grape flavor, in part at Charlotte, N. C., and in part at High Point, N. C., alleging that the article had been shipped by W. B. Nethery, Elberton, Ga., in two consignments, July

7 and August 24, 1922, respectively, and transported from the State of Georgia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Kumfort Laboratories Elberton, Georgia W. B. Nethery, Ph. G. \* \* \* Grape Crystals."

It was alleged in substance in the libels that the article was adulterated, in that it contained saccharine, which reduced and injuriously affected its quality, in that it had been mixed and colored in a manner whereby its inferiority was concealed, and in that it contained an added poisonous or deleterious ingredient, to wit, saccharine, which rendered it injurious to health.

It was further alleged in the libels that the article was misbranded in violation of section 8, paragraphs 2 and 4, of said act, in that it was labeled with the intent of deceiving the public, and in that it was offered for sale under the distinctive name of another article.

On October 11, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

**14846. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21439. I. S. No. 10711-x. S. No. W-2050.)**

On November 15, 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 a libel praying seizure and condemnation of 10 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Prairie City Creamery Co., Prairie City, Oreg., on or about November 7, 1926, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in violation of section 7, paragraph 2 under food of said act, in that it was deficient in milk fat content.

On January 14, 1927, the W. E. Turner Co., Seattle, Wash., 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 good and sufficient bond, conditioned in part that the product be reconditioned under the supervision of this department.

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

**14847. Misbranding of meat and/bone scrap. U. S. v. 28 Sacks of Meat and Bone Scrap, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21448, 21454. I. S. Nos. 976-x, 977-x. S. No. W-2054.)**

On December 11, 1926, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 111 sacks of meat and bone scrap, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Berg Co., Inc., from Philadelphia, Pa., about May 29, 1926, and transported from the State of Pennsylvania into the State of Washington, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Berg's 55%" (or "50%") "Protein Poultry Meat & Bone Scrap Guaranteed Analysis Min. Protein 55.00%" (or "50.00%") "\* \* \* Manufactured By The Berg Company Incorporated, Philadelphia, Pa."

It was alleged in the libels that the article was deficient in protein and was misbranded, in that the statements "Guaranteed Analysis Min. Protein 50.00%" or "Guaranteed Analysis Min. Protein 55.00%," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser.

On January 26, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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