

On May 22, 1928, the 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 destroyed by the United States marshal.

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

15745. Adulteration and misbranding of vinegar. U. S. v. 15 Cases of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22625. I. S. No. 25004-x. S. No. 662.)

On or about March 14, 1928, the United States attorney for the District of Indiana, 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 15 cases of vinegar, remaining in the original unbroken packages at Terre Haute, Ind., alleging that the article had been shipped by the Evans-Rich Mfg. Co., from St. Louis, Mo., on or about November 11, 1927, and transported from the State of Missouri into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cartons) "Two Dozen Thirteen Ounces Crown Seal Vinegar Astor House Apple Vinegar," or "Two Dozen Twelve Ounce Fl. Astor House Brand Evaporated Apple Vinegar;" (bottles) "Astor House Brand Evaporated Apple Vinegar."

It was alleged in the libel that the article was adulterated in that a product other than evaporated apple vinegar had been substituted in whole or in part for the said article, and had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement, "Evaporated Apple Vinegar," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 4, 1928, 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.*

15746. Adulteration of tangerines. U. S. v. 37 Baskets of Tangerines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22712. I. S. No. 21253-x. S. No. 725.)

On March 29, 1928, the United States attorney for the District of Maryland, 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 37 baskets of tangerines, remaining in the original unbroken packages at Baltimore, Md., consigned about March 21, 1928, alleging that the article had been shipped by Prevatt & Co., from Seville, Fla., and transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that frost-damaged citrus fruit had been substituted for the article, and for the further reason that a valuable constituent, namely, juice, had been wholly or in part extracted and in that it consisted in whole or in part of a decomposed vegetable product.

On May 5, 1928, 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.*

15747. Adulteration of walnut meats. U. S. v. 63 Boxes of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22764. I. S. No. 17448-x. S. No. 799.)

On May 7, 1928, the United States attorney for the District of Oregon, 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 63 boxes of walnut meats, remaining in the original unbroken packages at Portland, Ore., alleging that the article had been shipped by Leon Mayer, Los Angeles, Calif., on or about April 22, 1928, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dark

Walnut Meats * * * Mayers brand, Packed by Leon Mayer, California Nut Products * * * Los Angeles, Calif."

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

On May 8, 1928, Leon Mayer, Los Angeles, Calif., having appeared as claimant for the property 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 \$250, conditioned in part that it should not be sold or otherwise disposed of until reconditioned in a manner satisfactory to this department.

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

15748. Adulteration and misbranding of canned corn. U. S. v. 230 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22324. I. S. No. 15837-x. S. No. 371.)

On December 23, 1927, 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 230 cases of canned corn, at Cincinnati, Ohio, consigned by Carroon & Co., Fowler, Ind., October 19, 1927, alleging that the article had been shipped in interstate commerce from Fowler, Ind., into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Our Aim Fancy Country Gentleman Sugar Corn, Fancy Quality. * * * Carroon & Co., Fowler, Indiana."

Adulteration of the article was alleged in the libel for the reason that a product, canned field corn, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Sugar Corn," "Fancy Quality," and "Fancy Country Gentleman Sugar Corn," borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 14, 1928, Carroon & Co., Fowler, Ind., claimant, having admitted the material 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 \$1,000, conditioned in part that it be relabeled under the supervision of this department.

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

15749. Misbranding of tomato paste. U. S. v. 18 Cases of Tomato Paste. Default decree of condemnation and forfeiture. (F. & D. No. 22704. I. S. No. 21714-x. S. No. 748.)

On April 16, 1928, the United States attorney for the District of Rhode Island, 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 18 cases of tomato paste, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Eagle Canning Co., Inc., from Fredonia, N. Y., November 30, 1927, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eagle Brand Tomato Paste Eagle Canning Co., Inc., Fredonia, N. Y. Salsa Di Pomodoro."

It was alleged in the libel that the article was misbranded in that the statement, "Tomato Paste Salsa di Pomodoro," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product artificially colored.

On May 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered.

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