

On March 26, 1928, no claimant having appeared for the property, judgment of the court was entered, finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15874. Adulteration of canned peaches. U. S. v. 174 Cases of Canned Peaches. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22813. I. S. Nos. 24446-x, 24447-x. S. No. 825.)

On June 12, 1928, 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 174 cases of canned peaches, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Reed Grocery Co., from Beaumont, Texas, October 15, 1927, and had been transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act.

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 vegetable substance.

On June 26, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15875. Adulteration of tomato catsup. U. S. v. 46 Cartons, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22123, 22170. I. S. Nos. 7515-x, 16109-x. S. Nos. 169, 221.)

On or about November 1 and November 25, 1927, respectively, the United States attorney for the Southern District of Georgia, 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 88 cartons of tomato catsup, remaining in the original unbroken packages at Brunswick, Ga., alleging that the article had been shipped by the Phillips Packing Co., from Cambridge, Md., in two consignments, on or about May 21, and May 24, 1927, respectively, and had been transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Phillips Delicious Tomato Catsup * * * Phillips Packing Co., Cambridge, Md."

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

On May 29, 1928, no claimant having appeared for the property, judgments of forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15876. Misbranding of tomato catsup. U. S. v. 60 Cases, et al., of Tomato Catsup. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22131, 22328, 22342. I. S. Nos. 21505-x, 21506-x, 21221-x, 21223-x, 21483-x. S. Nos. 178, 375, 395.)

On November 2, December 27, and December 31, 1927, respectively, the United States attorney for the District of New Jersey, 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 935 cases and 594 cartons of tomato catsup, remaining unsold in various lots at Jersey City, Newark, and Elizabeth, N. J., respectively, alleging that the article had been shipped by Greenabaum Bros., Inc., Seaford, Del., in various shipments on or about September 3, September 17, and October 24, 1927, respectively, and had been transported from the State of Delaware into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled, variously, in part: (Main label) "Marigold Pure Tomato Catsup," "Uco Brand The Better Grade Catsup," "Tomato Catsup;" (on neck label of each) "Made from carefully selected whole tomatoes, salt, sugar, spices, onions, and vinegar. Guaranteed pure and to comply with all U. S. Food Laws. Contains no artificial color or preservatives."

It was alleged in substance in the libels that the article was misbranded in that the statements, to wit, "Guaranteed pure and to comply with all U. S.

Food Laws. Contains no artificial color or preservatives. Made from carefully selected whole tomatoes, salt, sugar, spices, onions, and vinegar," with respect to all of the product, and the further statements, "Pure Tomato Catsup" and "Catsup," with respect to the different products, were false and misleading and deceived and misled purchasers.

On February 21, 1928, Greenabaum Bros., Inc., Seaford, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgments of condemnation and forfeiture were 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 bonds totaling \$3,500, conditioned in part that it be relabeled to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15877. Adulteration and misbranding of vinegar. U. S. v. 48 Barrels of Vinegar. Product released under bond to be relabeled. (F. & D. No. 22703. I. S. No. 18952-x. S. No. 749.)

On April 16, 1928, the United States attorney for the District of South Dakota, 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 48 barrels of vinegar, remaining in the original unbroken packages at Mitchell, S. Dak., alleging that the article had been shipped by the Red Wing Food Products Co., Red Wing, Minn., on or about December 30, 1927, and transported from the State of Minnesota into the State of South Dakota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Breakfast Club Apple Cider Vinegar, Reduced to 4½% acidity, 45 grain 51 gal."

It was alleged in the libel that the article was adulterated in that an acid product, other than apple cider vinegar, and water had been mixed with and substituted in part for the said article, and in that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Breakfast Club Apple Cider Vinegar reduced to 4½ per cent acidity 45 grain 51 gal.," borne on the label, was false and misleading and deceived and misled purchasers, and in that the article was offered for sale under the name of another article.

On May 28, 1928, the Red Wing Food Products Co., Red Wing, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 reconditioned and relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15878. Adulteration of canned sardines. U. S. v. 683 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22419. I. S. No. 11256-x. S. No. 510.)

On February 3, 1928, the United States attorney for the Southern District of Texas, 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 683 cases of canned sardines at Houston, Texas, alleging that the article had been shipped by the Brawn Co., from Plymouth, Mass., on or about December 7, 1927, and had been transported from the State of Massachusetts into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Casco Brand American Sardines * * * The Brawn Company, Portland, Me., and Plymouth, Mass."

It was alleged in the libel that the article was adulterated in that it was in whole or in part filthy, decomposed, and putrid, that being filthy, decomposed, and putrid it was made deleterious, and that such decomposition might have rendered the article injurious.

On April 6, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*