State of New Jersey into the State of Maryland, of a quantity of pink root which was adulterated and misbranded. The article was labeled in part. "Ground No. 20 True Pink Root."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to be true pink root, whereas it was a product composed, in large part, of soil.

Misbranding was alleged for the reason that the statement, to wit, "True Pink Root," borne on the label, was false and misleading in that it represented that the said article consisted wholly of pink root, whereas it did not so consist but did consist, in large part, of soil.

On December 17, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

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

16175. Misbranding of tomato catsup. U. S. v. 303 Cases, et al., of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22905. I. S. Nos. 01203 to 01208, incl. S. No. 973.)

On July 24, 1928, the United States attorney for the District of Minnesota, 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 303 cases, containing 8-ounce bottles, and 626 cases, containing 14½-ounce bottles of tomato catsup, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Frazier Packing Co., from Elwood, Ind., in part April 11, 1928, and in part May 24, 1928, and transported from the State of Indiana into the State of Minnesota, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Purity Brand (or "Royal Red") High Grade Tomato Catsup * * * The Frazier Packing Company, Elwood, Indiana."

It was alleged in the libel that the article was misbranded in that an analysis thereof showed the presence of cochineal coloring, and the designations "Tomato Catsup" and "Tomato Catsup, Natural Color" were false and misleading and deceived and misled the purchaser when applied to a product containing added artificial color.

On September 8, 1928, the Frazier Packing Co., Elwood, Ind., having appeared as claimant for the property and having consented to the forfeiture and condemnation of the product, a decree was entered ordering that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of $1,000, conditioned in part that it be properly labeled as to its artificial coloring under the supervision of this department.

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