

**16286. Misbranding of tomato catsup. U. S. v. 159½ Cases of Tomato Catsup. Product released under bond. (F. & D. No. 22929. I. S. Nos. 01458, 01459. S. No. 996.)**

On July 28, 1928, the United States attorney for the Eastern District of Missouri, 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 159½ cases of tomato catsup, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about June 20, 1928, and transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Jug) "Scott Co. Brand Tomato Catsup Contents 1 Gal. Morgan Packing Co., Austin, Ind."

It was alleged in the libel that the article was misbranded in that the designation "Tomato Catsup," borne on the label, was false and misleading and deceived and misled the purchaser when applied to an artificially colored article.

On December 3, 1928, the Morgan Packing Co., Austin, Ind., having appeared as claimant for the property, and having tendered its bond in the sum of \$1,000, conditioned as provided by law, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16287. Misbranding of Diamond shorts with ground wheat screenings. U. S. v. 43 Sacks of Diamond Shorts with Ground Wheat Screenings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23079. I. S. No. 012977. S. No. 1112.)**

On August 6, 1928, the United States attorney for the District of Kansas, acting upon a report by the control division of the Kansas State Board of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 43 sacks of Diamond shorts with ground wheat screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been sold by the Rodney Milling Co., Kansas City, Mo., to the Kansas City Mill Products, Kansas City, Mo., and by them sold to Dyer & Co., August 1, 1928, and by said Dyer & Co., transported in interstate commerce from Kansas City, Mo., to Kansas City, Kans., and charging misbranding in violation of the food and drugs act. The article was labeled in part: Diamond Shorts with Ground Wheat Screenings. Manufactured by Rodney Milling Company, Kansas City, Missouri \* \* \* Wheat Shorts with Ground Wheat Screenings not exceeding mill run."

It was alleged in the libel that the article was misbranded in that it was labeled, "Diamond Shorts with Ground Wheat Screenings," and labeled to contain the following wheat ingredients, "Wheat Shorts with Ground Wheat Screenings not exceeding mill run," whereas it was composed principally of re-ground wheat bran with ground wheat screenings, including a large amount of ground weed seed, said wheat screenings being in excess of the mill run.

On October 5, 1928, Dyer & Co., Kansas City, Mo., having appeared as claimant for the property, 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 costs and the execution of a good and sufficient bond, conditioned in part that it be repacked and relabeled to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16288. Adulteration and misbranding of Blatz grape gum. U. S. v. 44 Cases of Blatz Grape Gum, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22892, 22893, 22939. I. S. Nos. 22563-x, 22564-x, 028. S. Nos. 932, 1020.)**

On July 20 and August 2, 1928, respectively, the United States attorney for the Northern District of California, 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 96 cases of Blatz grape gum, remaining in the original packages at San Francisco, Calif., consigned by the Val Blatz Brewing Co., Milwaukee, Wis., alleging that the article had been shipped in part from Kansas City, Mo., June 16, 1928, in part from Newport, R. I., May 29, 1928, and in part from Chicago, Ill., July 3, 1928, and transported from the States of Missouri, Rhode Island, and Illinois, respectively, into the State of