

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 15, 1930, Marshall Kirby & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product might be sorted by the said claimant upon payment of costs and the execution of a bond in the sum of \$5,000. The conditions of the said bond were that the product remain at the place of seizure, the good portion separated from the bad portion and the former marked with a statement of the net weight, and that the entire lot be retained for inspection by this department. It was further ordered by the court that the portion not passed by this department as in compliance with the law, or the entire lot in the event of failure to make proper separation, be condemned and destroyed by the United States marshal.

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

16905. Adulteration and alleged misbranding of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23945. I. S. No. 010220. S. No. 2171.)

On July 26, 1929, the United States attorney for the Northern District of Illinois, 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 50 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Welton Creamery Co., from Delmar, Iowa, July 17, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article; and in that the article did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 16, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

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

16906. Adulteration and alleged misbranding of butter. U. S. v. 21 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24010. I. S. No. 09246. S. No. 2142.)

On July 22, 1929, the United States attorney for the Northern District of Illinois, 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 21 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Crystal Creamery Co., from New Albion, Iowa, July 10, 1929, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength; in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article; and in that the article did not comply with the standard established by Congress.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On August 16, 1929, the Peter Fox & Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be reprocessed, under the supervision of this department, so that it contain not less than 80 per cent of butterfat.

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

16907. Adulteration of sweet pickles. U. S. v. 42 Cases of Sweet Pickles. Default order of destruction entered. (F. & D. No. 22999. I. S. No. 01443. S. No. 1076.)

On August 18, 1928, the United States attorney for the Western District of Kentucky, 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 42 cases of sweet pickles, remaining in the original unbroken packages at Paducah, Ky., alleging that the article had been shipped by the Louis Maull Co., St. Louis, Mo., on or about June 21, 1928, and transported from the State of Missouri into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jars) "Top Notch * * * Sweet Pickles * * * Packed by L. Maull Co., * * * St. Louis, Mo."

It was alleged in the libel that the article was adulterated in that a substance, saccharin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or other added deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On August 22, 1929, a decree was entered ordering that the product be destroyed by the United States marshal.

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

16908. Adulteration of canned frozen eggs. U. S. v. Paul Kalb. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 23712. I. S. No. 12112-x.)

On April 17, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul Kalb, Toledo, Ohio, alleging shipment by said defendant, in violation of the food and drugs act, on or about May 7, 1928, from the State of Ohio into the State of Michigan, of a quantity of canned frozen eggs which were adulterated.

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

On September 20, 1929, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$200 and costs.

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

16909. Adulteration and misbranding of vinegar. U. S. v. 19 Cases of Apple Cider Vinegar, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22998. I. S. Nos. 01441, 01442. S. No. 1077.)

On August 21, 1928, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 19 cases of apple cider vinegar, and 19 cases of evaporated apple vinegar, remaining in the original unbroken packages at Paducah, Ky., alleging that the articles had been shipped by the Louis Maull Co., St. Louis, Mo., in part on or about September 15, 1927, and in part on or about June 21, 1928, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part, respectively: (Pint bottles) "Top Notch Apple Cider Vinegar One Pint Reduced to 4% Acid Strength. Packed by L. Maull Co. * * * St. Louis, Mo.;" (jugs) "Top Notch Evaporated Apple Vinegar 1/2 Gallon. Reduced to 4% Acid Strength. Packed by L. Maull Co., * * * St. Louis, Mo."

Adulteration was alleged in the libel with respect to the apple cider vinegar for the reason that substances, water and distilled water (distilled vinegar),