

On September 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 121 cases of hot sauce, remaining in the original packages at Corpus Christi, Tex., alleging that the article had been shipped on or about October 8, 1930, by the New Iberia Canning Co., from New Iberia, La., and had been transported in interstate commerce from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Teche Valley Hot Sauce. Contents 6 Ounces."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Hot Sauce," when applied to an artificially colored product, was false and misleading. The libel further alleged that the statement "6 Ounces" was false and misleading.

On November 24, 1931, no claimant having appeared, judgment of condemnation 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.*

**19247. Adulteration and misbranding of ground thyme. U. S. v. 34 Cartons of Thyme. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 27270. I. S. No. 44833. S. No. 5435.)

Examination of samples of ground thyme from the shipment herein described having shown that the article contained a foreign substance consisting of an earthy material, that some of the retail packages bore no statement of the quantity of the contents, and that the remainder bore an incorrect statement, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 34 cartons of ground thyme at Chicago, Ill., alleging that the article had been shipped by Archibald C. Lewis, from New York, N. Y., on October 20, 1931, and had been transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping carton) "24 4-Oz. Tins Pure Ground Thyme." A portion of the tin containers were labeled in part: "American Brand Thyme The National Spice Co. New York. Guaranteed Under The Food and Drugs Act June 30, 1906. Serial No. 589." The remainder of the tin containers were labeled in part: "American Brand Thyme The National Spice Co. New York. Quarter Pound."

Adulteration of the article was alleged in the libel for the reason that earthy material had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, namely, thyme. Misbranding was alleged for the further reason that the designation "Thyme," when applied to an article containing earthy material, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the statements, "Guaranteed Under The Food and Drugs Act June 30, 1906, Serial No. 589," and "Quarter Pound," wherever such statements appeared on the respective labels of the containers, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further 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 packages, since some of the packages failed to bear a statement of the net weight, and on those packages on which statements of the weight were made, they were not correct, since the packages contained less than so represented.

On January 11, 1932, 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.*

**19248. Adulteration of dressed poultry. U. S. v. Armour & Co. and Daniel S. Bixby. Pleas of nolo contendere. Armour Co. found guilty and fined \$10. Daniel S. Bixby found not guilty.** (F. & D. No. 25684. I. S. No. 028751.)

Samples of dressed poultry from the shipment herein described having been found to be moldy, decomposed, sour, musty, and unfit for human consumption,