

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,

the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On May 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Armour Co., a corporation trading at New Haven, Conn., and Daniel S. Bixby, an individual, New Haven, Conn., alleging shipment by said defendants in violation of the food and drugs act, on or about November 25, 1929, from the State of Connecticut into the State of New York, of a quantity of dressed poultry that was adulterated.

It was alleged in the information that the article was adulterated in that it consisted in part of filthy, decomposed, and putrid animal substances, and in that it consisted in part of portions of animals unfit for food.

On October 20, 1931, a plea of nolo contendere having been entered on behalf of Armour & Co., the court entered judgment finding the said defendant company guilty, and imposed a fine of \$10. On the same date defendant, Daniel S. Bixby, entered a plea of nolo contendere and the court found the said defendant not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19249. Adulteration of tomato catsup. U. S. v. 25 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 25941, 26025. I. S. Nos. 15877, 15880, 15881, 15888. S. Nos. 4183, 4282.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of New York.

On February 23, 1931 and March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 341 cases, each containing a number of bottles, and 39 cases each containing a number of jugs, of tomato catsup, in part at Utica, N. Y., and in part at Syracuse, N. Y., alleging that the article had been shipped in two separate consignments on or about September 26, 1930 and September 30, 1930, by the Frazier Packing Co., from Elwood, Ind., and had been transported in interstate commerce from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottles and jugs) "Crouse's Crown Brand \* \* \* Tomato Catsup Crouse Grocery Co. Distributors Syracuse N. Y. and Utica, N. Y."

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

On June 8, 1931, no claimant having appeared for the property, decrees of condemnation and 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.*

**19250. Misbranding of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 27265. I. S. No. 31908. S. No. 5450.)

Examination of canned cherries from the shipment herein described showed that the article fell below the standard for canned cherries promulgated by the Secretary of Agriculture, in that it consisted of water-packed cherries, and was not labeled to show that it was substandard.

On November 30, 1931, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 19 cases of canned cherries, remaining in the original packages at Raton, N. Mex., alleging that the article had been shipped on or about August 7, 1931, by the Ray A. Ricketts Co., from Canon City, Colo., and had been transported in interstate commerce from the State of Colorado into the State of New Mexico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "O-Joy Brand Red Pitted Cherries \* \* \* Packed by Ray A. Ricketts Company, Canon City, Colo. Crowley, Colo."

Misbranding was alleged in that the article was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that it consisted of water-packed cherries, and the label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that it fell below such standard of quality and condition.