

demnation of 790 cans of the said frozen mixed eggs, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by E. B. Wright & Son (Inc.), Cincinnati, Ohio, on or about April 7, 1931, and had been transported from the State of Ohio into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Frozen Eggs Mixed E. B. Wright & Son Inc. * * * Cincinnati, O."

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

H. C. Kersten, trading as H. C. Kersten & Co., Richmond, Va., appeared as claimant and filed a petition praying release of the property. On May 13, 1931, the claimant having executed a bond, conditioned that the product would not be disposed of contrary to the laws of the United States or other existing laws, the court ordered that the said product be released. On May 22, 1931, the order of release was rescinded and the product was ordered resealed. On the same date the claimant, H. C. Kersten, having admitted the allegations of the libel, a decree was entered formally adjudging the product to be adulterated and ordering its condemnation. The decree provided that the goods be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$4,000, conditioned in part that it be sorted to separate the unadulterated from the adulterated portion. On June 4, 1931, the product having been sorted and 96 cans which had been found to be decomposed having been denatured, an order was entered releasing the remainder and exonerating the bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19429. Adulteration and misbranding of tomato catsup. U. S. v. 16 Cases of Cairns Paisley Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26418. I. S. No. 15936. S. No. 4734.)

Samples of tomato catsup from the shipment herein described having been found to contain added gum, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina.

On May 28, 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 16 cases of tomato catsup, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Alex Cairns & Sons (Ltd.), Baltimore, Md., on April 6, 1931, and had been transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Cairns Paisley Tomato Catsup, made in U. S. A., Alex Cairns and Sons Ltd., Paisley, New York, London * * * Guaranteed free from Preservatives and Coloring Matter."

It was alleged in the libel that the article was adulterated in that tomato catsup containing added gum had been substituted for the article.

Misbranding was alleged for the reason that the statement "Tomato Catsup," was false and misleading, and deceived and misled the purchaser when applied to an article containing added gum. Misbranding was further alleged for the reason that the product was offered for sale under the distinctive name of another article.

On June 25, 1931, 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.*

19430. Misbranding of cottonseed meal. U. S. v. Cairo Meal & Cake Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 26532. I. S. Nos. 037860, 10450, 10452.)

This action was based on the interstate shipments of quantities of cottonseed meal which was found upon analysis to contain less protein than declared on the labels.

On May 27, 1931, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Cairo Meal & Cake Co., a corporation, Cairo, Ill., alleging shipments by said company, in violation of the food and drugs act, of quantities of cottonseed meal that was misbranded. The information charged that the article had been shipped as follows: On or about March 29, 1930, from Illinois into Kentucky; on or about November 19, 1930, from Illinois into Indiana; and on or about