

starch and saponin; and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, namely, "Egg Products." Misbranding was alleged with respect to the product seized at New Orleans, La., for the reason that it was an imitation of another article, "Egg White."

On February 19, 1920, the International Co., Baltimore, Md., and M. Holzeierlein, Washington, D. C., entered appearances in the case instituted in the District of Columbia, denying the material allegations of the libel and praying dismissal of the case. The respondents, however, having failed to file claims and stipulations for costs, on October 6, 1932, the court entered judgment dismissing the answers, condemning and forfeiting the product, and ordering that it be destroyed by the United States marshal. No formal appearance was made in the New Orleans case and on February 12, 1923, judgment of condemnation, forfeiture, and destruction was entered.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20535. Adulteration of caraway seed. U. S. v. 1 Bag of Caraway Seed. Default decree of condemnation and destruction. (F. & D. no. 28713. Sample no. 8671-A.)

This action involved a shipment of caraway seed which was found to be contaminated with rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, 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 one bag of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., consigned by the Great Atlantic & Pacific Tea Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 15, 1932, from New York, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20536. Adulteration and misbranding of dried black cherries. U. S. v. 312 Cases of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 28643. Sample no. 11536-A.)

The product in this case consisted of dried black cherries which were in part decomposed and moldy. A portion of the cases were not labeled to show the quantity of the contents.

On August 11, 1932, the United States attorney for the Southern District of New York, 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 312 cases of dried cherries at New York City, N.Y., alleging that the article had been shipped in interstate commerce on or about July 12, 1932, by the California Dried Fruit & Nut Co., Lawrence, Calif., from San Francisco, Calif., to New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Net Weight Lbs. Lawrence Brand Santa Clara Ex. Fancy Black Cherries Packed by Calif. Dried Fruit & Nut Co. Lawrence, Calif." A portion of the cases bore the statement "25 lbs." The remainder bore no statement of weight.

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

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

On November 18, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*