

of the United States for said district a libel for the seizure and condemnation of 5 10-gallon kegs and 1 5-gallon keg of a product purporting to be blackberry cordial, remaining unsold in the original unbroken packages and in possession of L. D. Koretz & Co., Pueblo, Colo., alleging that the product had been transported from the State of Minnesota into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (One end of kegs) "Distributed by A. Hirschman & Co. Vesta Brand Blackberry Cordial Artificially Flavored & Colored Contains Anhydrous Sugar And Less than 1/10 of 1% Benzoate of Soda. St. Paul, Minn." (Other end of kegs) "Contains no Poisonous Drugs or Other Added Poison. Liebenthal Bros. & Co. Liquor Dealers Cleveland, O."

Misbranding of the product was alleged in the libel for the reason that the contents of the kegs was an imitation of and was offered for sale under the distinctive name of another article, namely blackberry cordial, and for the further reason that said food product was labeled and branded so as to deceive and mislead the purchaser.

On January 20, 1914, Liebenthal Bros. & Co., Cleveland, O., having consented thereto, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be released to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act. One of the conditions of the bond was that the product should be labeled, "Imitation Blackberry Cordial Compound, contains glucose, artificial color and flavor, and not more than 1/10 of 1% benzoate of soda," and that the label should also state the name and address of the manufacturer of the goods.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*

**3189. Adulteration of desiccated eggs. U. S. v. 3 Barrels of Desiccated Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5344. S. No. 1952.)**

On October 6, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels, each containing approximately 200 pounds of desiccated eggs, remaining unsold in the original unbroken packages and in possession of the Cincinnati, Hamilton & Dayton Railway Co. at its freight house, Cincinnati, O., as bailee of the Consolidated Egg Co., Cincinnati, O., consignee, alleging that the product had been transported in interstate commerce from the State of Texas into the State of Ohio and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Rush—Consolidated Egg Co.—Cincinnati, Ohio—Notify E. W. Habermaas, Cincinnati, Ohio. Keep cool—Dry—Head up—Perishable—200 lbs.—91146—9—Frisco—St. Louis—13."

Adulteration of the product was alleged in the libel for the reason that it consisted of a filthy, decomposed, and putrid animal substance.

On November 17, 1913, no claimant having appeared for the product, an order pro confesso was entered.

On January 10, 1914, final judgment of condemnation and forfeiture was entered upon motion of the United States attorney and upon the testimony of witnesses offered ex parte on behalf of the libelant, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 26, 1914.*