

On February 11, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6928. Adulteration of shell eggs. U. S. * * * v. 129 Cases of Shell Eggs. Decree of condemnation and forfeiture. Unfit portion ordered destroyed. Good portion ordered released. (F. & D. No. 9423. I. S. No. 6309-r. S. No. C-1000.)

On October 14, 1918, the United States attorney for the Northern District of Illinois, 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 129 cases, each containing 30 dozen shell eggs, at Chicago, Ill., alleging that the article had been shipped on September 30, 1918, by the Northern Produce Co., Aberdeen, S. D., and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On October 29, 1918, the matter coming on to be heard upon the motion of John R. Tyler, doing business as John R. Tyler & Co., Chicago, Ill., claimant for the proceeds of the sale of a portion of the product, judgment of condemnation and forfeiture was entered, it having theretofore been ordered by the court that the product should be separated under the supervision of a representative of this department and that the portion unfit for human food should be destroyed, and the portion fit for human food should be sold, and it was ordered by the court that the proceeds of the sale of the edible portion of the eggs, less court costs and necessary expenses, be delivered to said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6929. Adulteration and misbranding of catsup. U. S. * * * v. 1,246 Cases of Tomato Catsup. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture. Product ordered released on bond for destruction. (F. & D. No. 9834. I. S. No. 6711-r. S. No. C-1070.)

On March 7, 1919, the United States attorney for the Northern District of Illinois, 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 1,246 cases, each containing 3 dozen bottles of tomato catsup, at Chicago, Ill., alleging that the article had been shipped on October 18, 1918, by the Sterling Products Co., Evansville, Ind., and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Fancy Whole Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

Misbranding of the article was alleged in substance in the libel for the reason that the statement borne on the label of the cases, to wit, "* * * Fancy Whole Tomato Catsup," was false and misleading in that it represented to the purchasers that the catsup was made from sound whole tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the catsup was made from sound whole tomatoes,