

milk, at Davenport, Iowa, alleging that the article had been shipped on or about December 23, 1918, by the Oatman Condensed Milk Co., Dundee, Ill., and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

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

Misbranding 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 in terms of weight, measure, or numerical count.

On April 30, 1919, the said Oatman Condensed Milk Co., having admitted all material allegations of the libel, and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be sorted and examined under the supervision of a representative of this department, and that the good portion should be released to said claimant, and the unfit portion destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

**7037. Adulteration and misbranding of oil of wintergreen. U. S. * * *
v. One Can of So-called Oil of Wintergreen. Consent decree of
condemnation and forfeiture. Product ordered released on bond.
(F. & D. No. 9561. I. S. No. 13642-r. S. No. E-1200.)**

On December 30, 1918, the United States attorney for the District of New Jersey, 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 one can containing 50 pounds of a product purporting to be oil of wintergreen, at Linden, N. J., alleging that the article had been shipped on or about November 30, 1918, by J. B. Johnson, Hildebran, N. C., and transported from the State of North Carolina into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation of the article, and for the further reason that the strength and purity of the article were below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith, thereby reducing, lowering, and injuriously affecting its quality and strength, and had been substituted in whole or in part for oil of wintergreen.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, pure oil of wintergreen. Misbranding of the article, considered as a food, was alleged for the reason that it was an imitation of and was offered for sale under the (distinctive) name of another article, to wit, pure oil of wintergreen, and for the further reason that the representation that the article was pure oil of wintergreen was false and misleading in that it represented to the purchaser that the product was pure oil of wintergreen,

whereas in truth and in fact it was not, but was a product to which had been added and with which had been mixed and packed a substance, to wit, synthetic methyl salicylate.

On March 13, 1919, J. B. Johnson, Hickory, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department as imitation oil of wintergreen.

E. D. BALL,
Acting Secretary of Agriculture.

7038. Adulteration of shell eggs. U. S. * * * v. 248 Cases * * * of Shell Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9566. I. S. No. 14916-r. S. No. E-1188.)

On December 12, 1918, the United States attorney for the Eastern District of Pennsylvania, 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 248 cases, each containing 30 dozen shell eggs, consigned by John K. Lasher & Bro., New York, N. Y., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about November 30, 1918, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that the shipment contained a considerable proportion of decomposed eggs of the grades known as rots and spots.

On December 31, 1918, the said John K. Lasher & Bro., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the eggs should be recandled under the supervision of a representative of this department.

E. D. BALL,
Acting Secretary of Agriculture.

7039. Adulteration of evaporated milk. U. S. * * * v. 138 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9568. I. S. No. 15275-r. S. No. E-1201.)

On January 6, 1919, the United States attorney for the District of Maryland, 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 138 cases of evaporated milk, consigned on or about December 14, 1918, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Elk-horn Brand Unsweetened Evaporated Milk."

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