

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

On March 7, 1921, the said S. Pfeifer & Co., claimant, having admitted the allegations contained in the libel and consented to the entry of decree, it was found by the court that the product was adulterated, but said claimant having asserted that a portion of the property was not adulterated and was not unfit for food, and was susceptible of separation from the portion unfit for food, and said claimant having filed its bond in the sum of \$2,000, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*

**9393. Adulteration and misbranding of flour. U. S. \* \* \* v. 434 Sacks of Wheat Flour. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 13935. I. S. No. 6505-t. S. No. E-2865.)**

On or about November 22, 1920, 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 434 sacks of wheat flour, at Greenville Piers, N. J., alleging that the article had been shipped on or about September 22, 1920, by the Dillsburg Grain & Milling Co., Dillsburg, Pa., and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that a substance, to wit, water, had been mixed and packed with said article in a manner whereby damage or inferiority was concealed, and had been substituted wholly or in part for the article.

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

Thereafter, during the month of January, 1921, the case having come on for final disposition, and George P. White, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon 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.

E. D. BALL, *Acting Secretary of Agriculture.*

**9394. Adulteration of tomato catsup. U. S. \* \* \* v. 998 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14092. I. S. Nos. 5728-t, 5821-t. S. No. E-2941.)**

On December 20, 1920, 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 said district a libel for the seizure and condemnation of 998 cases of tomato catsup, at Pittsburgh, Pa., alleging that the article had been shipped on or about September 24, 1920, by Thomas Page, Albion, N. Y., and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. A portion of the product was labeled, "Royal Kitchen Brand Tomato Catsup," and the balance was labeled, "Page Brand Tomato Catsup."

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

On June 1, 1921, 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, and that the containers thereof be salvaged, in so far as possible, and sold.

E. D. BALL, *Acting Secretary of Agriculture.*

**9395. Adulteration and misbranding of mustard. U. S. \* \* \* v. 42 Barrels of \* \* \* Morehouse Prepared Old English Mustard. Judgment by default ordering destruction of the product. (F. & D. No. 14111. I. S. No. 10125-t. S. No. W-810.)**

On December 22, 1920, the United States attorney for the Western District of Washington, 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 42 barrels of Morehouse Prepared Old English Mustard, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Morehouse & Co., Los Angeles, Calif., arriving at Seattle on July 21, 1920, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that mustard hulls had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Old English Style Mustard," was false and misleading and deceived and misled the purchaser since the said product contained mustard hulls, and for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article.

On February 28, 1921, no claimant having appeared for the property, judgment by default was entered ordering the destruction of the product by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9396. Misbranding of Nut-All Brand oleomargarine. U. S. \* \* \* v. Corkran, Hill & Co., a Corporation. Plea of nolo contendere. Fine, \$75 and costs. (F. & D. No. 14319. I. S. No. 16796-r.)**

On May 17, 1921, 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 an information against Corkran, Hill & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 19, 1920, from the State of Maryland into the District of Columbia, of a quantity of Nut-All Brand oleomargarine, which was misbranded. The article was labeled in part: "Nut-All Brand Oleomargarine Manufactured By The Baltimore Butterine Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 20 per cent of cottonseed oil.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Nut-All," borne on the cartons containing the article, and the statement, to wit, "Nut Margarine," borne on the wrappers around the article, together with the design and device of a coconut tree and coconuts, borne on the cartons and wrappers aforesaid, regarding the article and the ingredients and substances contained therein, were false and misleading in that