

reason that it was mixed and colored in a manner whereby damage and inferiority had been concealed.

Misbranding was alleged in substance for the reason that the statement and designation "Non-Alcoholic Cordial" was false and misleading and deceived and misled the purchaser when applied to an artificially colored beverage sweetened with saccharin and preserved with undeclared benzoate of soda, and for the further reason that the said article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, non-alcoholic cordial.

On February 15, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9862. Misbranding of pears. U. S. * * * v. John Fabian. Plea of guilty. Fine, \$25. (F. & D. No. 14058. I. S. No. 629-t.)

On April 27, 1921, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Fabian, South Haven, Mich., alleging shipment by said defendant, on or about August 24, 1920, in violation of the Food and Drugs Act, as amended, from the State of Michigan into the State of Illinois, of a quantity of pears, in unlabeled baskets, which were misbranded.

Misbranding of the article was alleged in the information 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 May 26, 1921, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9863. Adulteration and misbranding of rice. U. S. * * * v. 25 Sacks of Rice. Default decree of condemnation and forfeiture. Product ordered sold for purposes other than human consumption. (F. & D. No. 14084. I. S. No. 3560-t. S. No. C-2643.)

On December 16, 1920, the United States attorney for the District of Minnesota, 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 25 sacks of rice, remaining in the original unbroken packages at Minnesota Transfer, Minn., alleging that the article had been shipped by the Tyrrell Rice Milling Co., Beaumont, Tex., on or about June 17, 1920, and transported from the State of Texas into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

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

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

On July 8, 1921, no claimant having appeared for the property, a decree of the court ordering the condemnation, forfeiture, and destruction of the product was entered, and on July 25, 1921, the court entered an amended decree ordering that the said product be salvaged by the United States marshal and sold for purposes other than human consumption.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*