

10294. Adulteration and misbranding of flour macaroni. U. S. * * * v. 93 Boxes of Flour Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 14378. I. S. No. 12131-t. S. No. W-853.)

On February 8, 1921, the United States attorney for the District of Nevada, 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 93 boxes of flour macaroni, at Reno, Nev., alleging that the article had been shipped by the California Macaroni Co., San Francisco, Calif., on or about September 16, 1920, and transported from the State of California into the State of Nevada, 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 therewith so as to reduce and lower its quality and strength and had been substituted (in part) for the said article. Adulteration was alleged for the further reason that the said article had been mixed with water in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the cases containing the said article bore the following label, to wit, "Flour Macaroni, Net Contents 6 Lbs. California Macaroni Co. Manufacturers of Alimentary Paste, San Francisco * * *" which statements were false and misleading in that the contents of the said cases were not flour macaroni, but were a mixture of flour macaroni and water, and for the further reason that the said contents were an imitation of, and were offered for sale under the distinctive name of, another article, to wit, flour macaroni.

On June 7, 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 sold by the United States marshal.

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

10295. Adulteration of shell eggs. U. S. * * * v. Joe Lindsey and Robert E. Butler (Lindsey & Co.). Pleas of guilty. Fines, \$50 and costs. (F. & D. No. 14905. I. S. No. 387-t.)

On August 3, 1921, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joe Lindsey and Robert E. Butler, trading as Lindsey & Co., Choteau, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 2, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination, by the Bureau of Chemistry of this department, of 720 eggs from the consignment showed the presence of 72, or 10 per cent, inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

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

On February 23, 1922, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of \$50 and costs.

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

10296. Adulteration of canned peaches. U. S. * * * v. 176 Cases of * * * Canned Peaches. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14949. I. S. No. 13477-t. S. No. C-2905.)

On May 20, 1921, the United States attorney for the Eastern District of Kentucky, 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 176 cases of canned peaches, remaining unsold in the original packages at Ashland, Ky., consigned by the C. L. Applegarth Co., Baltimore, Md., on or about September 15, 1919, alleging that the article had been shipped from Baltimore, Md., and transported from the State of Maryland into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Shield Brand Pie Peaches * * * J. S. Farren & Co., Inc., Distributors, Baltimore, Md. * * *"

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 December 15, 1921, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

10297. Misbranding of molasses. U. S. * * * v. 60 Cases and 80 Cases of Canned Molasses * * * Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14950. I. S. Nos. 10852-t, 10853-t. S. No. W-951.)

On May 23, 1921, the United States attorney for the Northern District of California, 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 140 cases of canned molasses, remaining in the original unbroken packages at San Francisco and Oakland, Calif., respectively, alleging that the article had been shipped by the Alexander Molasses Co., Stock Yards, Cincinnati, Ohio, October 4, 1920, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, respectively: (Large can) "Dove Brand White Label New Orleans Molasses No. 10 Can Contains 9 Lbs. 3 Oz. Avd. * * * Alexander Molasses Company, General Offices Chicago"; (small can) "Dove Brand * * * Contains 4 Lbs. 10 Oz. Avd. * * *"

Misbranding of the article was alleged in the libel 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 or measurement, since the amount declared was not correct.

On June 23, 1921, P. M. Riley & Co., San Francisco, Calif., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the said product be relabeled, respectively, "Net Contents 7 Lbs. 15 Ounces" and "Net Contents 4 Lbs. 3 Ounces."

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

10298. Misbranding of Wesson oil. U. S. * * * v. 300 Cases of Wesson Oil. Consent decree entered for the release of the product under bond. (F. & D. No. 15621. I. S. No. 9315-t. S. No. E-3623.)

On or about November 25, 1921, the United States attorney for the Southern District of Florida, 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 300 cases, each containing 12 cans, of Wesson oil, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Southern Cotton Oil Co., Savannah, Ga., alleging that the article had been shipped from Savannah, Ga., on or about August 30, 1921, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Wesson Oil * * * 1 Quart Net The Southern Cotton Oil Co. * * *"

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the cans, to wit, "1 Quart Net," was false and misleading and deceived and misled the purchaser, since the said cans did not contain one quart net of the said article but did contain less than that amount. Misbranding was alleged for the further 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, since the statement purporting to indicate the quantity was not correct.

On December 8, 1921, the Southern Cotton Oil Co., Savannah, Ga., claimant, having consented to a decree and having executed a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the said claimant either empty and destroy the cans containing the product, or re-mark the said cans so as to correctly show the quantity of oil contained therein, or refill the said cans so that they would contain the quantity of oil which the label thereon indicated, judgment of the court was entered ordering the release of the product to the said claimant.

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