

to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallops [scallop solids] had been in part abstracted.

On April 27, 1922, the defendant entered a plea of guilty to the information, and the court adjudged that he should be discharged upon the payment of the costs of the proceedings.

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

**10478. Adulteration of scallops. U. S. \* \* \* v. Charles Tolson. Plea of guilty. Defendant discharged on payment of costs.** (F. & D. No. 15457. I. S. No. 6627-t.)

On March 22, 1922, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Tolson, Morehead City, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 16, 1921, from the State of North Carolina into the State of New York, of a quantity of an article of food, to wit, scallops, which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 24, 1922, the defendant entered a plea of guilty to the information, and on April 27, 1922, the court adjudged that he should be discharged upon payment of the costs of the proceedings.

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

**10479. Adulteration of ice cream cones. U. S. \* \* \* v. Armour & Co., a Corporation. Plea of guilty. Fine, \$400.** (F. & D. No. 15576. I. S. Nos. 229-r, 230-r, 16588-r.)

On February 6, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Armour & Co., a corporation, doing business at Columbia, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, on or about March 17, 1920, from the State of South Carolina into the State of North Carolina, of two consignments, and into the State of Georgia, of one consignment, of an article of food labeled in part "Goodie Cones," which was adulterated.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was partly decomposed.

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 vegetable substance.

On June 7, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

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

**10480. Misbranding of Durand's Swiss herb tea. U. S. \* \* \* v. 5 Dozen Packages and 11½ Dozen Packages \* \* \* of Durand's Swiss Herb Tea. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16323, 16324. Inv. Nos. 37066, 37067. S. Nos. E-3901, E-3902.)

On May 16, 1922, 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 libels for the seizure and condemnation of 5 dozen packages and 11½ dozen packages of Durand's Swiss herb tea, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Durand Medicine Co., Cincinnati, Ohio, alleging that the article had been shipped from Cincinnati, Ohio, on or about April 28 (and April 1), 1922, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.