

deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that the articles were [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the respective packages, since the amount stated was incorrect.

On July 20, 1921, Penick & Ford, Ltd., Inc., New Orleans, La., claimant, having admitted the 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 be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

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

10578. Adulteration of catsup. U. S. * * * v. 167 Cases * * * of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15220. I. S. No. 13-t. S. No. C-3129.)

On July 22, 1921, the United States attorney for the Southern District of Iowa, 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 167 cases of catsup, at Davenport, Iowa, alleging that the article had been shipped by the Thomas Canning Co., Grand Rapids, Mich., May 16 and 17, 1921, respectively, and transported from the State of Michigan into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Royal Kitchen Tomato Catsup * * * Packed by Thomas Page, Albion, N. Y."

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

On October 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 destroyed by the United States marshal.

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

10579. Misbranding of butter. U. S. * * * v. The Merritt-Schwier Creamery Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 15857. I. S. No. 10819-t.)

On April 14, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merritt-Schwier Creamery Co., a corporation, Great Bend, Kans., alleging shipment by said company, on or about June 1, 1921, in violation of the Food and Drugs Act, as amended, from the State of Kansas into the State of Colorado, of a quantity of butter which was misbranded.

Examination, by the Bureau of Chemistry of this department, of 60 packages from the consignment showed that the average net weight was 15.16 ounces, a shortage from the declared weight of 0.84 ounce, or 5.25 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of the said packages contained 1 pound net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net weight of the said article but did contain a less 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.

On May 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

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

10580. Misbranding of Texas Wonder. U. S. * * * v. 17 Bottles of Texas Wonder. Default decree ordering confiscation and destruction of the product. (F. & D. No. 11532. I. S. No. 9181-r. S. No. C-1607.)

On December 9, 1919, the United States attorney for the Northern District of Mississippi, 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 17 bottles of Texas Wonder, at Greenwood, Miss., alleging that