

Misbranding of the articles was alleged in the information for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 13, 1921, a plea of guilty to the information was entered on behalf of the defendant, and the court imposed a fine of \$25.

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

10753. Adulteration and misbranding of prepared mustard and horse-radish mustard. U. S. v. 3 Cases of Prepared Mustard, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14622, 14623, 14624. I. S. Nos. 3216-t, 3218-t, 3219-t. S. Nos. C-2845, C-2846, C-2847.)

On March 14, 1921, the United States attorney for the Eastern District of Illinois, 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 9½ cases of prepared mustard and 4 cases of horse-radish mustard, remaining unsold in the original unbroken packages at Cairo, Ill., the former consigned in part by Bayle Food Products Co., of St. Louis, Mo., on or about June 19 and September 30, 1920, respectively, and the latter on or about February 3, 1921, alleging that the articles had been shipped from St. Louis, Mo., and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "Anchor Brand Prepared Mustard, Contains Mustard Seed, Salt, Pure Spices, Turmeric, Vinegar" (blown in jug) "One Gallon;" "B. Q. Bayle Quality Prepared Mustard (English Style) Bayle Food Products Co. St. Louis, 12 Oz. Net Wt., Mustard Seed, Vinegar, Salt & Spices. Colored and Flavored with Turmeric;" "Robin Brand 6 Oz. Net Wgt. Horseradish Mustard Colored with Turmeric."

Adulteration of the articles was alleged in the libels for the reason that mustard hulls had been mixed and packed with and substituted in part for the said articles. Adulteration was alleged for the further reason that the articles were mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the respective statements, to wit, "Prepared Mustard, One Gallon * * * Mustard Seed, Salt, Pure Spices, Turmeric, Vinegar," "Prepared Mustard 12 Oz. Net Wt., Mustard Seed, Vinegar, Salt & Spices. Colored and Flavored with Turmeric," and "Horseradish Mustard," appearing in the labeling of the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles. Misbranding was alleged for the further reason that the articles were in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 14, 1921, and June 30, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

10754. Adulteration of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14658. I. S. No. 4396-t. S. No. C-2881.)

On March 21, 1921, the United States attorney for the Eastern District of Illinois, 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 16 cases of tomato catsup, remaining unsold in the original unbroken packages at Champaign, Ill., consigned by Paul DeLaney Co., Inc., Brockton, N. Y., alleging that the article had been shipped on or about September 21, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "University Extra Fancy Tomato Catsup."

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

On July 3, 1922, 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.*