

1 Quart," borne on the cans containing the articles, regarding the said articles, were false and misleading in that they represented that each of the said cans contained 1 gallon net, or 1 quart net, as the case might be, of the said articles, whereas, in truth and in fact, each of the said cans did not contain 1 gallon net or 1 quart net, as the case might be, but did contain a less amount. Misbranding was alleged 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 packages.

On July 17, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10879. Adulteration and misbranding of alimentary paste. U. S. v. 314 Cases of Alimentary Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16359. I. S. Nos. 17040-t, 17041-t, 17042-t, 17043-t. S. No. E-3887.)

On June 2, 1922, the United States attorney for the District of Maryland, 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 314 cases of alimentary paste, remaining in the original unbroken packages at Baltimore, Md., consigned on or about May 20, 1922, alleging that the article had been shipped by M. M. Talkin, Norfolk, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "Smith's Perfection Macaroni * * * Net Weight 16 Ozs. * * * Guaranteed * * * to conform with The U. S. Food and Drugs Act June 30, 1906. * * * Serial No. 14020 * * *." Another portion was labeled in part: (Shipping case) "25 Lbs. Bulk Net Weight Creamettes Elbow Macaroni * * *." The remainder of the article was unlabeled.

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.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Guaranteed * * * to conform with The U. S. Food and Drugs Act. June 30, 1906 * * * Serial No. 14020 * * *," was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to all of the said product 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 packages, in that it was not correctly stated on some of the packages and not stated at all on others. Misbranding was alleged with respect to all the said product for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On July 17, 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. F. MARVIN, *Acting Secretary of Agriculture.*

10880. Misbranding of Rawleigh's all-medicine hog mixture. U. S. v. 24½ Dozen Cans, et al, of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 12971. I. S. No. 3262-r. S. No. W-620.)

On June 24, 1920, 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 24½ dozen cans, 6 pounds each, 94 pails, 25 pounds each, 34 pails, 40 pounds each, and 4 drums, 100 pounds each, of Rawleigh's all-medicine hog mixture, remaining in the original unbroken packages at Oakland, Calif., consigned by W. T. Rawleigh Co., Freeport, Ill., alleging that the article had been shipped from Freeport, Ill., between the dates of October 23, 1918, and April 14, 1920, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of sodium thiosulphate, sodium phosphate, sodium bicarbonate, sodium sulphate, sodium chlorid,