

Adulteration of the baking powder was alleged in the information for the reason that a product made in large part from acid phosphate and sodium aluminum sulphate, which contained bicarbonate of soda, cornstarch, and magnesium carbonate, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for a product made from pure cream tartar, which the article purported to be.

Misbranding of the baking powder was alleged for the reason that the statements, to wit, "Made From Pure Cream Tartar," "This baking powder is manufactured from pure Cream Tartar," and "The manufacturer begs to inform the trade herewith that the Baking Powder contained herein is manufactured under his own supervision and guarantees to be absolutely pure and wholesome," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was made wholly from pure cream tartar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product made wholly from cream tartar, whereas, in truth and in fact, it was not a product made wholly from cream tartar but was a product made in large part from acid phosphate and sodium aluminum sulphate and contained bicarbonate of soda, cornstarch, magnesium carbonate, and a small amount of cream tartar. Misbranding of the said baking powder was alleged for the further reason that it was a product composed in large part of acid phosphate and sodium aluminum sulphate and contained bicarbonate of soda, cornstarch, and magnesium carbonate, and a small amount of cream tartar, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, a product made from pure cream tartar.

Adulteration of the lemon compound was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for lemon compound made from oil of lemon, which the article purported to be.

Misbranding of the lemon compound was alleged for the reason that the statement, to wit, "Lemon Compound Made from Oil of Lemon pressed from the Lemon Peel," borne on the labels attached to the jugs containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was a product made wholly from oil of lemon pressed from the lemon peel, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product made wholly from oil of lemon pressed from the lemon peel, whereas, in truth and in fact, it was not a product made wholly from oil of lemon pressed from the lemon peel but was a product made in large part from cottonseed oil, and contained a small amount of oil of lemon. Misbranding was alleged for the further reason that the article was a product made in large part from cottonseed oil and contained a small amount of lemon oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, lemon compound made from oil of lemon pressed from the lemon peel. Misbranding was alleged with respect to the so-called lemon compound for the further 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.

On or about September 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11847. Misbranding and alleged adulteration of canned corn. U. S. v. 196 Cases, et al., of Canned Corn. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17506, 17507, 17508, 17534. I. S. Nos. 1044-v, 1049-v, 1050-v, 1051-v. S. Nos. E-4389, E-4390, E-4391, E-4396.)

On May 15, 1923, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,162 cases of canned corn, remaining unsold in the original unbroken packages in various lots at Grafton, Clarksburg, Piedmont, and Parkersburg, W. Va., respectively, alleging that the article had been shipped by C. W. Baker & Sons, Middletown, Del., in various consignments, namely, on or about October 13, November 11, November 21, and December 2;

1922, respectively, and transported from the State of Delaware into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Morning Star Sugar Corn * * * Distributed By G. H. Baker, Middletown, Del."

Adulteration of the article was alleged in the libels for the reason that scrapings from corncobs had been mixed and packed with and substituted wholly or in part for corn.

Misbranding of the article was alleged in substance in the libels for the reason that each of the said cans had a design thereon showing whole ears of corn, which said design was false and misleading and was intended to deceive and did deceive and mislead the purchaser. It was further alleged that the cans containing a portion of the article were misbranded as containing "Sugar Corn" and that said brand was false, misleading, and deceptive in that it was a brand distinct and separate from the true character and nature of the said article.

On or about September 1, 1923, G. H. Baker, Middletown, Del., having applied for possession of the property for the purpose of relabeling it and having paid the costs of the proceedings and executed a good and sufficient bond, in conformity with section 10 of the act, and it having appeared to the court that the product was misbranded, it was ordered by the court that the said product be condemned and released to the claimant thereof.

HOWARD M. GOBE, *Acting Secretary of Agriculture.*

11848. Adulteration and misbranding of canned clams. U. S. v. 202 Cases and 94 Cases of Canned Clams. Consent decrees of condemnation and forfeiture. Product released under bond, to be relabeled. (F. & D. Nos. 17550, 17552. I. S. Nos. 434-v, 438-v. S. Nos. E-4398, E-4405.)

On June 4, 1923, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 296 cases of canned clams, remaining unsold in the original unbroken packages at New York, N. Y., consigned by J. H. Doxsee & Sons, Key West, Fla., alleging that the article had been shipped from Key West, Fla., on or about April 24, 1923, and transported from the State of Florida into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Neptune Large — Tender — Juicy * * * Steamed Quahaug Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice Packed By J. H. Doxsee & Sons Sales Office 299 Broadway, New York." The remainder of the said article was labeled in part: "Minced Clams Little Neck * * * J. H. Doxsee & Sons * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "Minced Clams * * * For Clam Fritters, Chowder, Soups, Etc. * * * Contents 10 Ounces Of Clam Meat, 10 Ounces Of Clam Juice," together with directions for the preparation of various clam dishes and a design showing whole clams, appearing in the labeling of a portion of the article, and the statements, "Clams Contents 10 Oz. Clam Meat, 10 Oz. Clam Juice * * * For Making Clams On Toast Clam Stew Clam Patties Broiled Clams Clam Pie Clam Chowder Clam Fry," together with a design showing clams, appearing in the labeling of the remainder of the said article, were false and misleading and deceived and misled the purchaser. 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 September 7, 1923, Fred Fear, of New York, N. Y., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Slack Filled. Contains 8 Ozs. drained minced clam meat. A can of this size should contain 10 ozs. drained minced clam meat" or "Slack Filled. Contains 8 ozs. drained clam meat. A can of this size should contain