

15370. Adulteration of shell eggs. U. S. v. 384 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20363. I. S. No. 1403-x. S. No. C-4793.)

On July 29, 1925, the United States attorney for the Northern 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 praying seizure and condemnation of 384 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by B. W. Hayden from Wray, Colo., July 24, 1925, and transported from the State of Colorado into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated, that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 10, 1925, B. W. Hayden, Wray, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000 conditioned in part that the eggs be candled under the supervision of the department, the good portion released, and the remainder destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15371. Adulteration of tomato puree. U. S. v. 96 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21949. I. S. No. 4693-x. S. No. C-5476.)

On June 7, 1927, 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 praying seizure and condemnation of 96 cases of tomato puree, remaining in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped by the Frankton Ideal Canning Co., from Frankton, Ind., on or about April 1, 1927, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 9, 1927, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15372. Adulteration and misbranding of grape jelly. U. S. v. 40 Dozen Jars of Grape Jelly. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 21963. I. S. No. 16399-x. S. No. E-6141.)

On June 27, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 dozen jars of grape jelly, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Richard Brinkman from West New York, N. J., on or about April 21, 1927, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Mrs. Brinkman's Pure Home Made Grape Jelly, * * 7 Oz. Net, Jersey City."

It was alleged in substance in the libel that the article was adulterated in that a substance, pectin jelly, had been substituted wholly or in part for the said article, and in that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement "Pure Home Made Grape Jelly, 7 Oz. Net" was false and misleading and deceived the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quality (quantity) was not plainly and conspicuously marked on the outside of the package.

On September 19, 1927, 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 delivered to a charitable institution for consumption and not for sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*