

It was alleged in the libel that the articles were adulterated in that a substance, a foreign fat, had been mixed and packed therewith so as to reduce and lower their quality and strength and had been substituted in part for the said articles, and for the further reason that they had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of other articles. Misbranding was alleged with respect to the said "Chocolate Candy Cigars" for the further reason that the statement "Chocolate Candy," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing a foreign fat, and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 17, 1929, 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.*

16179. Misbranding of tomato catsup. U. S. v. 441 Cases of Tomato Catsup. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23256. I. S. No. 012508. S. No. 1371.)

On December 18, 1928, the United States attorney for the Middle District of Alabama, 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 441 cases of tomato catsup, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by Kemp Brothers Packing Co., from Frankfort, Ind., October 24, 1928, and transported from the State of Indiana into the State of Alabama, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the statements, borne on the label, "Sunday Dinner Tomato Catsup Contents 14½ Oz., * * * Not Artificially Colored, Distributed by Schloss & Kahn Grocery Co., Montgomery, Alabama," were false and misleading and deceived and misled the purchaser, in that an artificially colored catsup had been substituted in part for the article and had been mixed and packed therewith so as to reduce and lower its quality. Misbranding was alleged for the further reason that the statement "Not Artificially Colored" was false and misleading and deceived and misled the purchaser when applied to artificially colored tomato catsup.

On January 3, 1929, the Kemp Brothers Packing Co., Frankfort, Ind., having appeared as claimant for the property, 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 costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be properly labeled by adding the words "Artificially Colored" after the words "Tomato Catsup" and the words "Not Artificially Colored," removed.

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

16180. Adulteration of pecan halves. U. S. v. 3 Barrels of Pecan Halves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23248. I. S. No. 03615. S. No. 1358.)

On December 18, 1928, 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 3 barrels of pecan halves, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Texas Pecan Shelling Co., from San Antonio, Texas, on or before December 10, 1928, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Texas Pecan Shelling Co., San Antonio, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of rancid, decomposed, wormy, and moldy nuts.

On January 3, 1929, 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.*