

part, variously: (Cans) "Rialto California Pimientos Morrones Sweet Peppers * * * Net Contents 4 Oz. * * * Packed by the Rialto Corporation, Long Beach * * * U. S. A.;" "Stewart Super Quality California Pimientos Morrones * * * Net Contents 4 Oz. * * * The Alexander B. Stewart Organizations Incorporated Los Angeles, U. S. A.;" "Garnishola California Pimientos Morrones Extra Fancy Sweet Red Peppers * * * Net Contents 4 oz. * * * Packed by The Curtis Corporation Long Beach, Cal., U. S. A."

It was alleged in the libels that the article was misbranded in that the statement "Net Contents 4 Oz.," borne on the can label, was 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, since the quantity stated was not correct.

On February 4, 1929, the Curtis Corporation, Long Beach, Calif., having appeared as claimant for the property, 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 costs and the execution of bonds totaling \$460, conditioned in part that it be relabeled under the supervision of this department.

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

16196. Adulteration of canned sardines. U. S. v. 12 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23024. I. S. No. 03302. S. No. 1104.)

On August 27, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 12 cases of sardines, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the R. J. Peacock Canning Co., from Lubec, Me., June 8, 1928, and transported from the State of Maine into the District of Columbia, that it was being offered for sale in the District of Columbia, and charging adulteration in violation of the foods and drugs act. The article was labeled in part: "Ski-Hi Brand Sardines * * * Packed by R. J. Peacock Canning Co., Lubec, Maine."

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

On February 11, 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.*

16197. Adulteration of canned sauerkraut. U. S. v. 150 Cases of Canned Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23293. I. S. No. 05909. S. No. 1420.)

On December 29, 1928, 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 praying seizure and condemnation of 150 cases of canned sauerkraut, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the C. M. Bogle Packing Co., from Seattle, Wash., on or about October 27, 1928, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Husky Brand Sauerkraut * * * Packed by C. M. Bogle Packing Co., Seattle."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On February 9, 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.*

16198. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 22574. I. S. Nos. 17489-x, 17494-x.)

On August 10, 1928, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Creamery Co., a corporation, Odgen, Utah, alleging shipment by said company,

in violation of the food and drugs act, in two consignments, on or about February 29, 1928, and March 7, 1928, respectively, from the State of Utah into the State of Washington, of quantities of butter which was adulterated and misbranded. The article was labeled in part: (Tub) "Mutual Cry Co. Seattle Wash. Net Contents This Package 69 Lbs."

It was alleged in the information that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, butter.

On February 12, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

16199. Adulteration and misbranding of granulated damiana herb. U. S. v. 250 Pounds of Granulated Damiana Herb. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22728. I. S. No. 25016-x. S. No. 731.)

On April 23, 1928, the United States attorney for the Northern District of Ohio, 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 250 pounds of granulated damiana herb at Cleveland, Ohio, alleging that the article had been shipped by S. B. Penick & Co. (Inc.), New York, N. Y., on or about May 16, 1927, and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it contained 13.2 per cent of acid-insoluble ash.

It was alleged in the libel that the article was adulterated in that it was sold under a name synonymous with the name recognized in the National Formulary and differed from the standard of strength, quality, or purity provided by the said National Formulary, and in that its strength or purity fell below the professed standard or quality under which it was sold.

Misbranding was alleged for the reason that the statement "Granulated Damiana Herb," borne on the label, was false and misleading.

On February 7, 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.*

16200. Adulteration of chestnuts. U. S. v. 14 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23229. I. S. No. 04110. S. No. 1339.)

On December 6, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 14 cases of chestnuts, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the International Fruit Exchange, from New York, N. Y., on or about November 15, 1928, and had been transported from the State of New York into the District of Columbia and was being offered for sale and sold in said district, 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 in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 11, 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.*