

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, since an examination of the product showed the presence of decomposed eggs.

On November 21, 1929, Armour & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, 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 execution of a bond in the sum of \$5,000, conditioned in part that the cans containing good eggs be separated from those containing bad eggs, and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16887. Misbranding of tomato paste. U. S. v. 23 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24182. I. S. No. 022295. S. No. 2409.)

On October 25, 1929, the United States attorney for the Eastern District of Pennsylvania, 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 23 cases of tomato paste, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Davis Canning Co., Laurel, Del., alleging that the article had been shipped from Laurel, Del., on or about October 8, 1929, and transported from the State of Delaware into the State of Pennsylvania, 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 appearing on the label, "Salsa di Pomodoro al basilico Colombina Brand Pure Tomato Paste with basil Net Weight 6 Oz.," were false and misleading and deceived and misled the purchaser.

On December 4, 1929, John Price & Co., Philadelphia, Pa., having appeared as claimant, 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 \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16888. Misbranding of tomato paste. U. S. v. 23 Cases of Tomato Paste. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24181. I. S. No. 022297. S. No. 2408.)

On October 25, 1929, the United States attorney for the Eastern District of Pennsylvania, 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 23 cases of tomato paste, remaining in the original unbroken packages at Chester, Pa., consigned by the Davis Canning Co., Laurel, Del., alleging that the article had been shipped from Laurel, Del., on or about October 2, 1929, and transported from the State of Delaware into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in the libel for the reason that the statement "Salsa di Pomodoro * * * Pure Tomato Paste," borne on the label, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article was made solely from tomatoes, whereas it contained added coloring, cochineal, which was undeclared upon the label.

On December 4, 1929, the Chester Wholesale Grocery Co., Chester, Pa., 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 \$500, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16889. Adulteration of figs. U. S. v. 28 Sacks of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24180. I. S. No. 05992. S. No. 2422.)

On October 24, 1929, 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 28 sacks of dried black figs, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by

Western States Grocery Co., Seattle, Wash., on or about October 12, 1929, 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: "J. P. Hynes & Co., San Francisco, Calif."

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

On November 14, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16890. Misbranding of bran. U. S. v. 556 Sacks of Bran. Decree of condemnation. Product released under bond. (F. & D. No. 23188. I. S. No. 012980. S. No. 1255.)

On or about October 5, 1928, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 556 sacks of bran, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped in interstate commerce by the Rodney Milling Co., Kansas City, Mo., on or about October 1, 1928, 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 said sacks contained no mark, brand, or label showing the net weight of the product, or the composition of the contents thereof, or the food value of the same.

On October 11, 1928, the Dixie Milling & Grain Co., Kansas City, Mo., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant for the purpose of being repacked, relabeled, and brought into compliance with the Federal food and drugs act, upon payment of costs of the proceedings and the execution of a good and sufficient bond.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16891. Adulteration of canned frozen whole eggs. U. S. v. 1,875 Cans of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24397. I. S. Nos. 015217, 015218. S. No. 2648.)

On or about December 23, 1929, 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 praying seizure and condemnation of 1,875 cans of frozen whole eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Miles Friedman (Inc.), from Chicago, Ill., on or about December 12, 1929, and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs * * * Rothenberg & Schneider Bros. * * * Chicago, Ill."

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 December 23, 1929, Miles Friedman (Inc.), Chicago, Ill., 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 for salvaging, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of until brought into conformity with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16892. Adulteration of canned peaches. U. S. v. 528 Cases of Canned Unpeeled Pie Peaches. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24092. I. S. No. 0972. S. No. 2339.)

On September 30, 1929, the United States attorney for the Eastern District of Louisiana, 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 528 cases of canned unpeeled pie peaches, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the W. L. Houser Canning Co., Fort Valley, Ga., on or about July 19, 1929, and transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act.