United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS

SUPPLEMENT

N. J. 6651–6700

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 9, 1920]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

6651. Adulteration and misbranding of digester tankage. U. S. * * * v. 351 Bags * * * of Digester Tankage. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 8910, 8911. I. S. Nos. 15602–p, 15603–p, 15604–p. S. Nos. C–853, C–854.)

On March 28, 1918, the United States attorney for the Southern 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 for the seizure and condemnation of 351 bags, each containing 100 pounds of digester tankage, consigned on or about July 21, 1917, and November 9, 1917, by the Chicago Feed & Fertilizer Co., Indiana Harbor, Ind., and on or about August 4, 1917, by Field & Co., Owensboro, Ky., remaining unsold in the original unbroken packages at Piqua, Ohio, alleging that the article had been shipped and transported from the States of Indiana and Kentucky into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Magic Digester Hog Tankage * * * Protein, 60 per cent."

Adulteration of the article was alleged in the libel for the reason that certain substances—to wit, glass and sand—had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article. Adulteration of the article was alleged for the further reason that said glass and sand were poisonous and deleterious ingredients which rendered the article injurious to health.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article—to wit, digester tankage containing 60 per cent protein—whereas, in truth, it contained less than 60 per cent protein; and for the further reason that the article was so branded so as to deceive and mislead the purchaser.

On May 4, 1918, the Chicago Feed & Fertilizer Co., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of $100, conditioned in part that the product should be relabeled under the supervision of a representative of this department, so as to show the contents to be a fertilizer and not a food for human or animal consumption.

C. F. MARVIN, *Acting Secretary of Agriculture.*