

On June 7, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9943. Adulteration of concentrated tomato and adulteration and misbranding of tomato conserve and tomato purée. U. S. * * * v. 50 Cases of Tomato Conserve, 13 Cases of Tomato Purée, and 50 Cases of Concentrated Tomato. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14497. I. S. Nos. 5939-t, 5940-t, 5941-t. S. No. E-3145.)

On February 26, 1921, the United States attorney for the Western 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 for the seizure and condemnation of 50 cases of tomato conserve, 13 cases of tomato pureé, and 50 cases of concentrated tomato, at Pittsburgh, Pa., alleging that the articles had been shipped by Thomas Page, Albion, N. Y., on or about January 15, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration of the concentrated tomato and adulteration and misbranding of the tomato conserve and tomato purée, in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Cans) "Tripoli Brand Tomato Conserve * * * Packed By Thomas Page Albion, N. Y. * * * Contents 12 Oz. * * *"; "Royal Kitchen Tomato Puree Contents 2 Pounds Packed By Thomas Page * * *"; "Mt. Etna Brand Concentrated Tomato * * * Packed By Thomas Page * * *"

Adulteration of the articles was alleged in the libel for the reason that they consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

Misbranding of the Tripoli Brand tomato conserve and the Royal Kitchen tomato purée was alleged for the reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9944. Misbranding of Green Cross horse feed. U. S. * * * v. Quaker Oats Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14535. I. S. No. 11163-r.)

On April 29, 1921, 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 an information against the Quaker Oats Co., a corporation, trading at Morris, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 8, 1920, from the State of Illinois into the State of Mississippi, of a quantity of Green Cross horse feed which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.78 per cent of protein and 2.35 per cent of fat.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Crude Protein 10.00% Crude Fat 2.5%," borne on the label printed on the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 10 per cent of crude protein and not less than 2.5 per cent of crude

fat, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of crude protein and not less than 2.5 per cent of crude fat, whereas, in truth and in fact, the said article did contain less than 10 per cent of crude protein and less than 2.5 per cent of crude fat.

On June 24, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9945. Adulteration and misbranding of evaporated apples. U. S. * * *
v. William J. Hamilton, Andrew C. Hamilton, Scott D. Hamilton,
Mrs. Katie Hamilton, Mrs. Roswell S. Lander, and Mrs. Leo Carothers
(A. C. Hamilton & Co.). Pleas of guilty. Fine, \$48. (F. & D. No.
14538. I. S. Nos. 3094-r, 7762-r, 7763-r.)

On or about May 28, 1921, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William J. Hamilton, Andrew C. Hamilton, Scott D. Hamilton, Mrs. Katie Hamilton, Mrs. Roswell S. Lander, and Mrs. Leo Carothers, trading as A. C. Hamilton & Co., Fayetteville, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 27, 1919, and February 20 and 25, 1920, respectively, from the State of Arkansas into the States of Colorado and Minnesota, respectively, of quantities of evaporated apples which were adulterated and misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, 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 evaporated apples, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Evaporated Apples," borne on the boxes containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was evaporated apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was evaporated apples, whereas, in truth and in fact, it was not evaporated apples but was a product containing added water.

On May 28, 1921, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$48.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9946. Adulteration and misbranding of egg noodle sticks. U. S. * * *
v. Lee Lan, Lee Ching Hong, Lee Tung, Long Pon, Leong Kong,
Fong Jung, Lee Kow, Lee Pong, Lee Fook, Lee Dat Chow, Lee
Wing, Mark Chung Mong, One Wah, Lee Leong, and Lee Young Lew
(Yat Gaw Min Co.), Pleas of guilty. Fine, \$25. (F. & D. No. 14540.
I. S. No. 15216-r.)

On May 21, 1921, 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 an information against Lee Lan, Lee Ching Hong, Lee Tung, Long Pon, Leong Kong, Fong Jung, Lee Kow, Lee Pong, Lee Fook, Lee Dat Chow, Lee Wing; Mark Chung Mong, One Wah, Lee Leong, and Lee Young Lew, trading as the Yat Gaw Min Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 21, 1920, from the State of New York into the State