

7889. Adulteration and misbranding of scioppo tamarindo. U. S. * * * v. 200 Cases of Scioppo Tamarindo. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10635. I. S. No. 10601-r. S. No. C-1295.)

On June 19, 1919, 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 a libel for the seizure and condemnation of 200 cases of scioppo tamarindo, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on or about September 16 and 21, 1918, by Achille Starace & Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding under the Food and Drugs Act. The article was labeled, in part, "Scioppo Tamarindo."

Adulteration of the article was alleged in the libel for the reason that a substance consisting of, to wit, 30 per cent sugar solution, flavored with tartaric acid and artificially colored, had been substituted in part for tamarind sirup, which the article purported to be. Adulteration of the article was alleged for the further reason that it had been artificially colored with caramel in a manner whereby its inferiority was concealed.

Misbranding of the article was alleged for the reason that the cases and bottles containing the article bore the statements, to wit, "Scioppo Tamarindo" and "Tamarindo," which said statements were false and misleading, in that the said statements, together with the pictorial designs and devices appearing upon each of said bottles and the said cases, represented to the purchaser that the article of food was genuine tamarind sirup, whereas, in truth and in fact, a substance consisting of 30 per cent sugar solution flavored with tartaric acid and artificially colored had been substituted in part for genuine tamarind sirup. Misbranding of the article was alleged for the further reason that it was an imitation of tamarind sirup and was offered for sale and sold under the distinctive name of another article, to wit, scioppo tamarindo.

On October 17, 1919, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7890. Adulteration and misbranding of evaporated milk. U. S. * * * v. Union Meat Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 10117. I. S. Nos. 16188-p, 16191-p.)

On July 30, 1919, the United States attorney for the District of Oregon, 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 Union Meat Co., a corporation, Portland, Oreg., alleging shipment by said defendant company, on or about June 10, 1918, and June 13, 1918, in violation of the Food and Drugs Act, as amended, from the State of Oregon into the Territory of Alaska, of quantities of evaporated milk which was adulterated and misbranded. The article was labeled in part, "Marigold Brand (design of marigold) Net Weight, 16 Ozs. Evaporated Milk Manufactured by Western Condensed Milk Co. Seattle, U. S. A."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it had been insufficiently evaporated, and that the shipment of June 13 was short weight.

Adulteration of the article was alleged in the information for the reason that a partially evaporated milk had been mixed and packed with the article so