

were entered providing for the destruction of the product, but upon authority of the Department of Justice it was subsequently delivered to charitable institutions.

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

11141. Adulteration and misbranding of catsup. U. S. v. 23 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14230. I. S. No. 9252-t. S. No. E-3060.)

On January 24, 1921, the United States attorney for the Southern District of Georgia, 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 23 cases of catsup, remaining unsold in the original packages at Augusta, Ga., alleging that the article had been shipped by the J. T. Polk Co., Mound City, Ill., on or about October 13, 1920, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Contents 8 Lbs. Avd. Polk's * * * Best * * * Catsup J. T. Polk Company General Sales Offices—Chicago U. S. A."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the 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 statement as to the quantity of the contents was incorrect.

On October 11, 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.*

11142. Adulteration and misbranding of tea. U. S. v. 16 Cartons of Orange Pekoe Ceylon Tea and 90 Packages of Himalaya Darjeeling India Tea. Default decree of condemnation, forfeiture, and destruction with respect to the 16 cartons. Decree of condemnation with respect to remainder and product released upon payment of costs. (F. & D. Nos. 15774, 15775. I. S. Nos. 3372-t, 3373-t. S. Nos. C-3461, C-3462.)

On April 14, 1922, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 16 cartons, each containing 5 dozen packages of Bohea's Special Orange Pekoe Ceylon tea, and 90 half-pound packages of Himalaya Darjeeling India tea, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped by the Bohea Importing Co., Baltimore, Md., the former on or about July 17, 1920, and the latter on or about November 10, 1921, and transported from the State of Maryland into the State of Louisiana, and charging adulteration and misbranding with respect to a portion thereof and misbranding with respect to the remainder, in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Bohea's Special Orange Pekoe Ceylon Tea. * * * Net 1½ Ozs. And Over When Packed. * * * Packed Only By Bohea Importing Co. Baltimore, Md., U. S. A." The remainder of the article was labeled in part: "Extremely Superb 'Himalaya' Darjeeling India Tea * * * Half Pound Net * * * Bohea Importing Co. Baltimore, U. S. A."

Adulteration of the so-called Orange Pekoe tea was alleged in substance in the libel for the reason that a grade or grades of tea other than Orange Pekoe had been mixed or packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "Special Orange Pekoe" and "Net 1½ Ozs. And Over When Packed," with respect to a portion of the article, and the statement, "One Half Pound Net," with respect to the remainder, were false and misleading and deceived and misled the purchaser when applied to a package containing a grade or grades [other than] Orange Pekoe and containing less than 1½ ounces, or when applied to a package containing less than ½ pound net, as the case might be. Misbranding was alleged with respect to both brands of the said article for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.