

Roy Endicott, Newkirk, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 21, 1922, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the four cases involved in the consignment showed that 116, or 8 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On February 9, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

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

11298. Adulteration and misbranding of canned peas. U. S. v. 23 Cases of Peas. Default decree of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. No. 17019. I. S. No. 224-v. S. No. E-4239.)

On December 8, 1922, 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 a libel for the seizure and condemnation of 23 cases of peas, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by W. H. Killian Co., Baltimore, Md., on or about October 11, 1922, and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Eden Brand Early June Peas Prepared From Ripe Peas Packed By W. H. Killian Co. Baltimore Md."

Adulteration of the article was alleged in the libel for the reason that a substance, soaked ripe peas, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Early June Peas," together with the design showing a dish of green peas, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 27, 1923, 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 delivered to the Salvation Army, for consumption and not for sale.

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

11299. Misbranding of lemon extract and vanilla extract. U. S. v. 23 Cases of Lemon Extract, et al. Decrees for the Government. Products released under bond. (F. & D. Nos. 17178, 17189. I. S. Nos. 8148-v, 8149-v, 8479-v, 8480-v, 8481-v, 8482-v, 8483-v. S. Nos. W-1283, W-1290.)

On January 18 and 22, 1923, respectively, the United States attorney for the District of Nevada, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 23 cases and 158 cartons of lemon extract and 21 cases and 72 cartons of vanilla extract at Reno, Nev., alleging that the articles had been shipped by the Hallifax Bros. [Hallifax Bros. Co.], Sacramento, Calif., in various consignments, namely, on or about March 30 and November 30, 1918, and January 10, March 24, and August 16, 1922, respectively, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part: (Bottle carton) "Hallifax Quality Pure Extract of Lemon" (or "Vanilla") "Net Measure 6 Oz." (or "3 Oz." or "1½ Oz.") "Manufactured by Hallifax Bros. Co., Sacramento, Calif."

Misbranding of the articles was alleged in substance in the libels for the reason that the statements that the total contents of each of the respective-sized cartons of lemon extract were 6 ounces, 3 ounces, or 1½ ounces, as the case might be, and the statements that the total contents of each of the respective-sized cartons of vanilla extract were 1½ ounces or 6 ounces, as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in

package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 10, 1923, the Hallifax Bros. Co., Sacramento, Calif., having entered an appearance as claimant for the property, and it having been determined by the court that the Government had established its case as set forth in the libel for the condemnation of the product, it was ordered by the court that the said products be released to the said claimant upon the execution of bonds in the aggregate sum of \$500, in conformity with section 10 of the act, conditioned in part that the products be reconditioned so as to comply with the requirements of the said act, and that the claimant pay the costs of the proceedings.

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

11300. Adulteration of chocolates. U. S. v. 29 Boxes of a Chocolate Product. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16203. S. No. E-4055.)

On July 17, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 29 boxes of a chocolate product, remaining unsold at Boston, Mass., alleging that the article had been shipped by S. Fisher & Co., Inc., from New York, N. Y., on or about June 24, 1922, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "S. F. & Co. Fisher's Solitop * * * Chocolates * * * 48 Solitop Choc. Fruit Bars * * * S. Fisher & Co. Inc. Hoboken, N. J. U. S. A."

Adulteration of the article was alleged in substance in the libel for the reason that an excessive quantity of cocoa shells 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 chocolate fruit bars, which the said article purported to be.

On January 24, 1923, 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,*