

coepcia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of examination.

On November 10 and December 15, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

11303. Adulteration and misbranding of salad oil. U. S. v. 111 Cartons of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16671. I. S. No. 7114-t. S. No. E-4072.)

On or about August 3, 1922, the United States attorney for the Eastern 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 111 cartons of salad oil at Brooklyn, N. Y., alleging that the article had been shipped by the Capitol Refining Co., Rosslyn, Va., on or about June 23, 1922, and transported from the State of Virginia into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Medaglia D'Oro Brand * * * Vegetable Salad Oil More Practical Than Olive Oil A Compound Contents 1 Gallon * * * Packed by B. Mayer New York."

It was alleged in substance in the libel that the article was in violation of paragraphs first and second of section 7 of the said Food and Drugs Act, in that an oil or oils other than olive oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "High Grade Medaglia D'Oro Brand Re d'Italia" and "Contents 1 Gallon," together with designs of medal apparently of foreign origin, an Italian soldier on horseback in foreground, also conventional design of olive branches with background showing Italian scene, were 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, for the further reason that it purported to be a foreign product when not so, and for the further 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.

On October 11, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

11304. Adulteration and misbranding of evaporated milk. U. S. v. 4 Cases of Alleged Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16690. I. S. No. 126-v. S. No. E-4084.)

On August 1, 1922, the United States attorney for the Middle 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 4 cases of alleged evaporated milk, remaining in the original unbroken packages at Swiftwater, Pa., alleging that the article had been shipped by the Rogers Milk Corp., Boonville, N. Y., on or about February 14, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sunbeam Pure Food Unsweetened Evaporated Milk Contents 1 Lb.=454 Grams."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been mixed and 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, to wit, evaporated milk. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted from the said article.

Misbranding was alleged for the reason that the statements in the labeling, "Sunbeam Pure Food Unsweetened Evaporated Milk Contents 108 [1 Lb.]="

454 Grams * * * Directions * * * a resulting milk product will be obtained which will not be below the legal standard for whole milk * * * the highest possible quality," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of each package.

On January 16, 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.*

11305. Adulteration of eggs. U. S. v. 73 Cases of Eggs. Default entered. Product ordered destroyed. (F. & D. No. 16877. I. S. No. 5452-v. S. No. C-3821.)

On September 26, 1922, the United States attorney for the District of Minnesota, 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 73 cases of eggs, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Drake Farmers Store, Drake, N. Dak., on or about September 7, 1922, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On October 26, 1922, no claimant having appeared for the property, and it being made to appear by affidavit filed that the product was wholly decayed and unfit for consumption as food, it was ordered by the court that the product be destroyed by the United States marshal.

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

11306. Adulteration and misbranding of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16921. I. S. No. 1650-v. S. No. E-4218.)

On November 13, 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 1 box of butter at Boston, Mass., alleging that the article had been shipped by the Independence Produce Co., Independence, Iowa, on or about October 16, 1922, and transported from the State of Iowa into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cold Storage Cedar Valley Creamery Co. Waterloo, Iowa."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

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. The product was delivered by the marshal to a public institution for use in cooking.

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

11307. Adulteration of eggs. U. S. v. 42 Cases of Eggs. Default entered. Product ordered destroyed. (F. & D. No. 17010. I. S. No. 5486-v. S. No. C-3840.)

On November 16, 1922, the United States attorney for the District of Minnesota, 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 42 cases of eggs, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by William Bunting & Sons, Albee, S. Dak., on or about October 5, 1922, and transported from the