

in the District Court of the United States for said district a libel praying seizure and condemnation of 120 sacks of horse and mule feed, remaining in the original unbroken packages at Fayetteville, N. C., alleging that the article had been shipped by the Carolina Milling Co., from Dillon, S. C., on or about December 8, 1928, and transported from the State of South Carolina into the State of North Carolina, and charging misbranding in violation of the food and drugs act.

It was alleged in substance in the libel that the article was misbranded in that the following statements, designs, and devices regarding the article, borne on the label, "100 pounds C. M. Horse and Mule Feed Manufactured by Carolina Milling Company, Inc., Dillon, South Carolina, Guaranteed Analysis Protein 10 per cent, Fat 2½ per cent, * * * Fibre (not over) 15 per cent. Contents Corn, Oats, Alfalfa, Oat Shorts, Oat Middlings, Cotton Seed Meal, Molasses, 1% Salt," were false and misleading and deceived and misled the purchaser, in that the article was deficient in protein and fat and contained excessive fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On February 14, 1929, the Carolina Milling Co. (Inc.), Dillon, S. C., having appeared as claimant for the property and having admitted the allegations of the libel, 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 costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16656. Misbranding of canned cherries. U. S. v. 25 Cases of Cherries. Consent by claimant to entry of decree of condemnation and forfeiture. Product ordered released under bond. (F. & D. No. 23363. I. S. No. 014929. S. No. 1525.)

On or about February 4, 1929, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cases of canned cherries, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Geneva Preserving Co., Geneva, N. Y., on or about October 17, 1928, and transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Ribbon Brand Cherries Contents 6 Lbs. 10 Oz. Geneva Preserving Company, Geneva, New York."

It was alleged in the libel that the article was misbranded in that the statement, "Ribbon Brand Cherries, Contents 6 Lbs. 10 Oz.," borne on the label, was false and misleading and was intended to deceive and mislead the purchaser in that the said cans did not contain 6 pounds 10 ounces of the product, but contained a less amount. Misbranding was alleged for the further 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.

On April 25, 1929, the Geneva Preserving Co., Geneva, N. Y., claimant, having consented to the entry of a decree of condemnation and forfeiture, and having agreed to execute a good and sufficient bond, conditioned that each can be weighed and those weighing 7½ pounds gross sold under the present label, and those weighing less than 7½ pounds gross relabeled "Contents 6 lbs.," it was ordered by the court that the product be released to the said claimant upon payment of costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16657. Misbranding of tomato catsup. U. S. v. 42 Cases of Tomato Catsup. Product adjudged misbranded; released under bond. (F. & D. No. 23540. I. S. Nos. 013801, 013802, 013805, 013806. S. No. 1786.)

On March 23, 1929, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 cases of tomato catsup at Toledo, Ohio, alleging that the article had been shipped by the Lippincott Co., from Boonville, Ind., on or about November 30, 1928, and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Full Gallon Tomato Catsup. * * * Contains No Coloring or Preservative. The Lippincott Com-

pany, Cincinnati, O., U. S. A." The remainder of the said article was labeled in part: "Cloverhook Brand * * * Tomato catsup. * * * Free from Preservatives and Artificial Coloring."

It was alleged in substance in the libel that the article was misbranded in that the following statements, borne on the labels, "Tomato Catsup," with respect to all of the product, "Contains No Coloring," with respect to a portion, and "Free from * * * artificial coloring," with respect to the remainder, were false and misleading and deceived and misled the purchaser.

On April 20, 1929, the Lippincott Co., Cincinnati, Ohio, having entered an appearance and having filed a claim and answer admitting that the product was misbranded as alleged in the libel, a decree was entered ordering that the said product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16658. Adulteration and misbranding of olive oil. U. S. v. 13 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22890, 22891. I. S. Nos. 24665-x, 24666-x. S. Nos. 955, 956.)

On July 17, 1928, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 24 cans of olive oil at Newark, N. J., alleging that the article had been shipped by Hochheiser & Weisberg (Inc.), Brooklyn, N. Y., on or about June 20, 1928, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Extra Sublime Pure Imported Italian Olive Oil Blue Star Brand * * * H. & W. Inc., Importers & Packers, Lucca, Italy, New York, U. S. A."

It was alleged in the libels that the article was adulterated in that a substance, peanut oil, had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the following statements, designs, or devices appearing on the labeling, "Extra Sublime Pure Imported Italian Olive Oil The Olive Oil contained in this can is pressed from fresh picked olives * * * This olive oil is guaranteed to be absolutely pure [cut showing olive-gathering scene]," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 22, 1929, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16659. Adulteration of walnuts. U. S. v. 4 Cartons of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23691. I. S. No. 09710. S. No. 1950.)

On May 6, 1929, 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 a libel praying seizure and condemnation of 4 cartons of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Mason Ehrman & Co., from Lewiston, Idaho, on or about April 15, 1929, and transported from the State of Idaho into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On May 13, 1929, the General Grocery Co., Portland, Oreg., having entered an appearance as claimant for the property and having consented to the entry of 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 to be reconditioned in manner satisfactory to this department, upon payment of costs and the deposit of collateral in the sum of \$42.75 to insure compliance with the terms of the decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*