16141. Misbranding of tomato catsup. U. S. v. 8 Cases, et al., of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22975. I. S. Nos. 02908, 02909. S. No. 1055.)

On August 21, 1928, the United States attorney for the District of New Jersey, 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 13 cases of tomato catsup at Newark, N. J., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about June 2, 1928, and transported from the State of Indiana into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "American Beauty Brand Tomato Catsup Morgan Packing Co. Austin Ind."

Examination of a sample of the article by this department showed the presence of added coal tar color.

It was alleged in the libel that the article was misbranded in that the statement "Tomato Catsup" and the design of red ripe tomatoes, borne on the label, were false and misleading and deceived and misled the purchaser.

On November 5, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16142. Adulteration of cod liver oil. U. S. v. 8 Barrels of Cod Liver Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22806. I. S. No. 20135-x. S. No. 845.)

On June 5, 1928, the United States attorney for the District of New Jersey, 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 8 barrels of cod liver oil at Vineland, N. J., alleging that the article had been shipped by Loos & Dilworth, Philadelphia, Pa., on or about March 15, 1928, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Made in Norway USP."

Analysis of a sample of the article showed that it consisted in part of an oil other than cod liver oil.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the U. S. Pharmacopoeia and differed from the pharmacopoeial standard of strength, quality, or purity, and in that it fell below the professed standard of quality under which it was sold, namely, "U. S. P. Cod Liver Oil."

On November 5, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16143. Adulteration of almonds in shell. U. S. v. 47 Bags of Almonds in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23186. I. S. No. 02865. S. No. 1284.)

On November 13, 1928, 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 praying seizure and condemnation of 47 bags of almonds in shell at New York, N. Y., alleging that the article had been shipped by Rosenburg Bros. & Co., from San Francisco, Calif., October 6, 1928, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ensign Brand California Nonpareil Almonds Crop 1927 Rosenburg Brothers California."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, an examination of a sample of the article showing the presence of moldy, wormy, and decomposed nuts.

On December 6, 1928, the Sheffield Farms Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel 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 upon payment of costs and the execution of a bond in the sum of $400, con-