

produced in the United States and contained but a slight trace of olive oil, and the net contents of the article contained in said cans were less than declared on the label. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, pure virgin olive oil. 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 in that the actual contents of the said cans were less than the stated quantity.

On January 14, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16177. Adulteration and misbranding of alfalfa meal. U. S. v. 1000 Sacks, et al., of Alfalfa Meal. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 23185, 23198. I. S. Nos. 0159, 03568, 03569. S. Nos. 1286, 1299.)

On November 9, 1928, and November 19, 1928, respectively, the United States attorney for the Eastern District of New York, 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 two lots, consisting of 140 sacks and 1,000 sacks, respectively, of alfalfa meal, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about October 15, 1928, and transported from the State of California 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: "Fine Ground Alfalfa Meal * * * Crude Protein, not less than 16.00 * * * Crude Fibre, not more than 28.00 * * * Manufactured by California Hawaiian Milling Co. * * * San Francisco, Cal."

It was alleged in the libels that the article was adulterated in that a substance deficient in protein and containing an excessive amount of fiber had been substituted in part for the said article, and had been mixed and packed with it so as to reduce and lower its quality and strength.

Misbranding was alleged for the reason that the statements, "Fine Ground Alfalfa Meal Crude Protein, not less than 16.00," with respect to a portion of the product, and "Fine Ground Alfalfa Meal Crude Protein, not less than 16.00, Crude Fibre, not more than 28.00," with respect to the remainder thereof, borne on the labels, were false and misleading and deceived and misled the purchaser when applied, with respect to the former portion, to a product containing less protein than declared, and, with respect to the latter portion, to a product which was essentially alfalfa stem, and which contained less protein and more fiber than declared. Misbranding was alleged with respect to a portion of the product for the further reason that it was offered for sale under the distinctive name of another article.

On December 12, 1928, the California Hawaiian Milling Co. (Inc.), San Francisco, Calif., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$4,000, conditioned in part that it be relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16178. Adulteration and misbranding of chocolate candies. U. S. v. 15 Boxes of Chocolate Candy Cigars, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23280. I. S. Nos. 05714, 05715. S. No. 1376.)

On December 28, 1928, 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 praying seizure and condemnation of 15 boxes of chocolate candy cigars and 26 boxes of 16 to 1 penny bars, remaining in the original and unbroken packages at Cambridge, Mass., consigned about November 17, 1928, alleging that the articles had been shipped by the Sterling Chocolate Co. (Inc.), New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part, respectively: "Chocolate Candy Cigars Manufactured by Sterling Choc. Co., Inc. Brooklyn, New York," and "16 to 1 Penny Bars 120 Pieces Manufactured by Sterling Chocolate Co., Inc. Brooklyn, N. Y."

It was alleged in the libel that the articles were adulterated in that a substance, a foreign fat, had been mixed and packed therewith so as to reduce and lower their quality and strength and had been substituted in part for the said articles, and for the further reason that they had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the articles were imitations of other articles. Misbranding was alleged with respect to the said "Chocolate Candy Cigars" for the further reason that the statement "Chocolate Candy," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing a foreign fat, and for the further reason that the article was offered for sale under the distinctive name of another article.

On January 17, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16179. Misbranding of tomato catsup. U. S. v. 441 Cases of Tomato Catsup. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 23256. I. S. No. 012508. S. No. 1371.)

On December 18, 1928, the United States attorney for the Middle District of Alabama, 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 441 cases of tomato catsup, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by Kemp Brothers Packing Co., from Frankfort, Ind., October 24, 1928, and transported from the State of Indiana into the State of Alabama, and charging misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was misbranded in that the statements, borne on the label, "Sunday Dinner Tomato Catsup Contents 14½ Oz., * * * Not Artificially Colored, Distributed by Schloss & Kahn Grocery Co., Montgomery, Alabama," were false and misleading and deceived and misled the purchaser, in that an artificially colored catsup had been substituted in part for the article and had been mixed and packed therewith so as to reduce and lower its quality. Misbranding was alleged for the further reason that the statement "Not Artificially Colored" was false and misleading and deceived and misled the purchaser when applied to artificially colored tomato catsup.

On January 3, 1929, the Kemp Brothers Packing Co., Frankfort, Ind., having appeared as claimant for the property, 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 \$1,500, conditioned in part that it be properly labeled by adding the words "Artificially Colored" after the words "Tomato Catsup" and the words "Not Artificially Colored," removed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16180. Adulteration of pecan halves. U. S. v. 3 Barrels of Pecan Halves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23248. I. S. No. 03615. S. No. 1358.)

On December 18, 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 3 barrels of pecan halves, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Texas Pecan Shelling Co., from San Antonio, Texas, on or before December 10, 1928, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Texas Pecan Shelling Co., San Antonio, Texas."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of rancid, decomposed, wormy, and moldy nuts.

On January 3, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*