and condemnation of 700 tins and 10 cases of tomato paste, and subsequently, an amended libel alleging the quantity of the product to be 436 cases of tomato paste. It was alleged in the libel, as amended, that the article had been shipped by John S. Mitchell, Inc., Windfall, Ind., in part on or about October 21, 1926, and in part on or about October 25, 1926, and had been transported from the State of Indiana into the State of Louisiana, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: (can) "Regal Brand Pure Tomato Paste" (or "Empress Brand Tomato Paste" or "Imperial Brand Pure Tomato Paste," or "Liberty Bell Concentrated Tomato Paste,") "Distributed By John S. Mitchell, Inc., Windfall, Indiana."

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.

On March 10, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

15171. Adulteration of canned string beans. U. S. v. 80 Cases of Canned String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21394. I. S. No. 14861–x. S. No. E–5911.)

On or about November 26, 1926, 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 80 cases of canned string beans, remaining unsold at Newark, N. J., alleging that the article had been shipped by the Webster Canning & Preserving Co., Webster, N. Y., on or about June 11, 1926, and transported from the State of New York into the State of New Jersey, 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 part of a filthy, decomposed, and putrid vegetable substance.

On May 28, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*

15172. Adulteration and misbranding of malted milk. U. S. v. 15 Cases and 10 Cases of Malted Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21271. I. S. Nos. 13462–x, 13462–x. S. No. E–5798.)

On August 30, 1926, 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 25 cases of malted milk, at West New York, N. J., alleging that the article had been shipped by the Delmoy Sales Corporation, New York, N. Y., on or about August 4, 1926, 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: "Melodew A Sweetened Chocolate Flavor Malted Milk And Dry Malt Delmoy Sales Corp., Inc. A Chocolate Malted Milk In A Minute * * * Melodew, a sweetened chocolate flavor Malted Milk, is composed of the finest Malted Milk scientifically combined with pure Cocoa, Barley Malt and Cane Sugar."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in malted milk and butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly for the said article.

Misbranding was alleged for the reason that the statements, "A Sweetened Chocolate Flavor Malted Milk And Dry Malt * * * A Chocolate Malted Milk In A Minute * * * Melodew, a sweetened chocolate flavor Malted Milk, is composed of the finest Malted Milk scientifically combined with pure Cocoa, Barley Malt and Cane Sugar," borne on the label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 28, 1927, 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.

W. M. JARDINE, *Secretary of Agriculture.*