

18589. Adulteration of frozen eggs. U. S. v. 546 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26934. I. S. Nos. 36942, 36943. S. No. 5145.)

Samples of frozen eggs from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On September 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 546 cans of frozen eggs, remaining in the original packages at Houston, Tex., alleging that the article had been shipped by the Tranin Egg Products Co., from Kansas City, Mo., in part on or about June 9, 1931, and in part on or about August 15, 1931, and had been transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tranin's Pure Frozen Eggs. Mixed Eggs. Sam Tranin Produce Co., * * * Kansas City, Mo."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed and putrid food substance.

On September 29, 1931, the Tranin Egg Products Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$3,000, conditioned in part that it should not be sold or offered for sale in violation of the Federal food and drugs act, or the laws of any State or Territory, and it was further ordered by the court that the claimant pay all costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18590. Adulteration and misbranding of tomato catsup. U. S. v. 5½ Cartons of Tomato Catsup. Default decree of destruction entered. (F. & D. No. 26158. I. S. No. 27758. S. No. 4458.)

Samples of tomato catsup from the shipment herein described having been found to contain an undeclared thickener, a gum of some sort, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Georgia.

On April 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five and one-half cartons of tomato catsup, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Alex. Cairns & Sons (Ltd.) from Baltimore, Md., on or about January 21, 1931, and had been transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tomato Catsup * * * Alex. Cairns & Sons, Ltd., Paisley, New York, London."

It was alleged in the libel that the article was adulterated in that tomato catsup containing added gum had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Tomato Catsup," was false and misleading and deceived and misled the purchaser when applied to an article, tomato catsup, containing added gum. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 20, 1931, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18591. Adulteration and misbranding of Jack Sprat brand gelatin dessert powder. U. S. v. 14½ Dozen Packages, et al., of Jack Sprat Brand Gelatin Dessert Powder. Default decrees of destruction entered. (F. & D. Nos. 26269, 26342. I. S. Nos. 24923, 24996. S. Nos. 4587, 4629.)

Examination of the dessert powder from the shipments herein described having shown that the article was an imitation grape-flavored gelatin dessert powder and that it was represented to be a fruit-flavored product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Minnesota.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemna-

tion of 23 dozen packages of the said Jack Sprat brand gelatin dessert powder, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Western Grocer Mills, from Marshalltown, Iowa, in part on or about March 12, 1931, and in part on or about March 17, 1931; and had been transported from the State of Iowa into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Jack Sprat Brand Gelatin Dessert Powder * * * Composed of pure gelatin, sugar, pure fruit flavor, fruit acid from grapes and vegetable color. Grape Flavor. * * * Packed by Western Grocer Mills, Marshalltown, Iowa."

Adulteration of the article was alleged in the libel filed with respect to a portion of the article for the reason that an artificially colored imitation grape-flavored product had been substituted for a pure fruit grape-flavored product, which the article purported to be. Adulteration was alleged with respect to the remainder of the article for the reason that a gelatin dessert powder containing imitation grape flavor had been substituted for pure fruit-flavored, to wit, grape-flavored, gelatin dessert powder, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Grape Flavor" and "Pure Fruit Flavor," were false and misleading and deceived and misled the purchaser.

On June 22, 1931, no claimant having appeared for the property, judgments were entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18592. Misbranding of tomato catsup. U. S. v. 534 Bottles of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25667. I. S. No. 19665. S. No. 3932.)

Samples of tomato catsup from the shipment herein described having been found to contain undeclared artificial color, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 534 bottles of tomato catsup at Corpus Christi, Tex., alleging that the article had been shipped by Baumer's Food Product Co., from New Orleans, La., on or about November 8, 1930, and had been transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Crystal Tomato Ketchup * * * Baumer's Food Product Co., New Orleans, La."

It was alleged in the libel that the article was misbranded, which misbranding was false and misleading.

On June 6, 1931, 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.*

18593. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26743. I. S. No. 30143. S. No. 4704.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Harding Creamery Co., Des Moines, Iowa, April 15, 1931, and had been transported from the State of Iowa 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: "Hardings Quality Salt."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by act of Congress.