

On May 9, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10644. Adulteration of frozen eggs. U. S. * * * v. 838 Cans * * * of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14287. I. S. No. 6520-t. S. No. E-3122.)

On February 9, 1921, 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 for the seizure and condemnation of 838 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the J. A. Long Co., Celina, Ohio, on or about December 18, 1920, and transported from the State of Ohio into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 20, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10645. Adulteration and misbranding of canned tuna. U. S. * * * v. White Star Canning Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 14353. I. S. Nos. 13518-r, 13519-r, 14083-r, 14158-r, 14159-r, 14160-r, 14161-r.)

On June 13, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the White Star Canning Co., a corporation, East San Pedro, Calif., alleging shipment by said company, on or about September 13, 18, and 23, 1919, respectively, in violation of the Food and Drugs Act, as amended, from the State of California into the State of New York, of quantities of canned tuna, a portion of which was misbranded and the remainder of which was adulterated and misbranded. The articles were labeled in part, variously: (Cans) "White Star Brand Tuna Fish * * * Packed * * * By White Star Canning Co., Los Angeles, Cal. * * * Net Contents 7 Ounces" (or "13 Oz."); "Premier Tuna Fish * * * Contents 13 Avoir. Oz. * * *"; "Radio Brand Blue Fin White Meat Tuna * * * White Star Canning Co. San Pedro, Cal."

Examination of samples of the articles by the Bureau of Chemistry of this department showed an average net weight of 6.8 ounces on 30 cans, 7-ounce size, of the White Star brand, an average net weight of 12.2 ounces on 36 cans, 13-ounce size, White Star brand, and an average net weight of 12.5 ounces on 10 cans of the Premier brand, labeled "13 Avoir. Oz."

Adulteration of the article labeled "Radio Brand" was alleged in the information for the reason that striped tuna or skip jack had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted wholly or in part for blue fin tuna, which the said article purported to be.

Misbranding of the said Radio brand was alleged for the reason that the statements, to wit, "Blue Fin Tuna" and "Blue Fin White Meat Tuna," borne on the cases and cans, respectively, containing the article, regarding the said article, were false and misleading in that the said statements represented that the article consisted wholly of blue fin white meat tuna, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of blue fin white meat tuna, whereas, in truth and in fact, it did not so consist but did consist in part of striped tuna or skip jack. Misbranding of the said Radio brand was alleged for the further reason that it was a mixture composed in part of striped tuna or skip jack, prepared in imitation of, and offered for sale and sold under the distinctive name of, another article, to wit, blue fin white meat tuna. Misbranding of the articles labeled White Star brand and Premier brand, respectively, was alleged in substance in the information for the reason

that the statements, to wit, "Net Contents 7 Ounces," "Net Contents 13 Ozs.," and "13 Avoir. Oz.," borne on the labels attached to the cans containing the said articles, regarding the articles, were false and misleading in that the said statements represented that each of the said cans contained 7 ounces net, 13 ounces net, or 13 ounces avoirdupois, as the case might be, of the said articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 7 ounces net, 13 ounces net, and 13 ounces avoirdupois, as the case might be, of the said articles, whereas, in truth and in fact, each of the said cans contained less than the amount declared on the said labels. Misbranding of the said White Star brand and Premier brand was alleged for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 26, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10646. Adulteration and misbranding of cumin seed. U. S. * * * v. One Barrel * * * of Cumin Seed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15823. Inv. No. 34454. S. No. C-3493.)

On March 29, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one barrel of cumin seed, remaining unsold in the original unbroken package at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about March 11, 1922, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ground Comino James H. Forbes, Tea and Coffee Company, St. Louis * * *."

Adulteration of the article was alleged in the libel for the reason that added sand had been mixed and packed with and substituted for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 3, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10647. Adulteration and misbranding of cumin seed. U. S. * * * v. One Drum and One Barrel * * * of Cumin Seed. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15898, 15911. Inv. Nos. 34070, 34072. S. Nos. C-3392, C-3398.)

On January 7 and 10, 1922, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of one drum and one barrel of cumin seed, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Indianapolis, Ind., on or about December 19 and 29, 1921, respectively, and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in whole or in large part of mineral matter of a gritty nature which had been packed with and substituted for ground cumin.

Misbranding was alleged in substance for the reason that the statement, "Ground Cumin Seed," appearing on the respective labels of the drum and barrel containing the said article, was false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of ground cumin seed, whereas, in truth and in fact, it contained added mineral matter.

On April 27, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*