

10827. Adulteration and misbranding of tea. U. S. v. 480 Packages and 200 Packages of King Brand Flowery Orange Pekoe Tea. Consent decree of condemnation and forfeiture. Product released on bond for relabeling. (F. & D. No. 15933. I. S. Nos. 9395-t, 9396-t. S. No. E-3739.)

On February 2, 1922, the United States attorney for the Eastern District of South Carolina, 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 480 one-fourth-pound packages and 200 one-half-pound packages of King Brand Flowery Orange Pekoe tea, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped on or about July 30, 1921, August 4, 1921, and December 29, 1921, by the Federal Tea Co., Baltimore, Md., and transported from the State of Maryland into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "King Brand Flowery Orange Pekoe Tea Packed Solely By Federal Tea Company, Inc. * * * Baltimore, Md. $\frac{1}{4}$ -Pound" (or " $\frac{1}{2}$ -Pound") "Net Weight When Packed."

Adulteration of the article was alleged in the libel for the reason that a grade or grades of tea other than Flowery Orange Pekoe had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, Flowery Orange Pekoe tea, for the further reason that the statement on the labels, "Flowery Orange Pekoe Tea," was false and misleading and deceived and misled the purchaser, since the packages contained a grade or grades of tea other than Flowery Orange Pekoe tea, for the further reason that the statement on the labels of the 200 packages, " $\frac{1}{2}$ -Pound Net Weight," was false and misleading and deceived and misled the purchaser, since the packages contained less than that amount, and for the further reason that the 200 packages were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statements made were not correct.

On March 2, 1922, the Federal Tea Co., claimant, having appeared for the property, it was ordered by the court that the product might be released and turned over to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product be relabeled so as to meet the approval of this department and that the deficiency in the short weight cans be made up.

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

10828. Adulteration of crab meat. U. S. v. 262 Cases and 84 Cases of Crab Meat. Default decree of condemnation and forfeiture. Product ordered turned over to the Fisheries Department of the State of Washington as fish food. (F. & D. No. 15984. I. S. Nos. 14026-t, 11250-t. S. No. W-1057.)

On March 20, 1922, the United States attorney for the Western District of Washington, 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 262 cases and 84 cases of crab meat, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dobbins Packing Co., Wrangell, Alaska, June 10, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The 262 cases were labeled on the cans: "Elmore Brand Fresh Oregon Crab Meat Packed by Elmore Packing Co." The 84 cases were labeled in part on the cans: "Elmore Brand Alaska Crab Meat Packed in Alaska by Dobbins Packing Co."

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

On April 20, 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 might be turned over to the Fisheries Department of the State of Washington for use as fish food only, in connection with the hatcheries of the State of Washington, upon payment of all storage costs assessed against the crab meat since the seizure of the same.

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