

ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed by the United States marshal and the good portion released to the said claimant.

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

**11399. Adulteration of oranges. U. S. v. 13 Cases of Oranges. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17434. I. S. No. 2649-v. S. No. E-4334.)

On March 27, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cases of oranges, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Polk Co. Citrus Sub. Exchange, Florence Villa, Fla., alleging that the article had been shipped from Florence Villa, Fla., on or about March 15, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cat \* \* \* Brand Florence Citrus Growers Ass'n \* \* \* Seald Sweet Florida Citrus Exchange \* \* \* Pineapple Russet."

Adulteration of the article was alleged in the libel for the reason that an inedible product, namely, tree dried oranges, had been substituted in whole or in part for oranges.

On March 29, 1923, 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.*

**11400. Adulteration and misbranding of canned clams. U. S. v. H. S. Kane. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 14042. I. S. No. 13092-r.)

On June 10, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. S. Kane, Brooklin, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 20, 1920, from the State of Maine into the State of Massachusetts, of a quantity of canned clams which were adulterated and misbranded. The article was labeled in part: "Pleasant River Brand \* \* \* Maine Clams Packed By H. S. Kane Brooklin and Addison Maine. HSK Contains 5 Ozs. Of Clams."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average weight of 15 cans was 4.56 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, dilute brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for clams, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Contains 5 Ozs. Of Clams," borne on the label attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of clams and that each of the said cans contained 5 ounces of clams, 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 clams and that each of said cans contained 5 ounces of clams, whereas, in truth and in fact, said article did not consist wholly of clams but did consist in part of dilute brine, and said cans did not contain 5 ounces of clams but did contain a less amount. Misbranding was alleged for the further 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.

On February 8, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

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