

On December 19, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11935. Adulteration of canned salmon. U. S. v. 450 Cases of Repeater Brand Pink Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16650. S. No. C-3672.)

On July 20, 1922, the United States attorney for the Western District of Texas, 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 450 cases of Repeater brand pink salmon, at San Antonio, Tex., alleging that the article had been shipped by the Bellingham Canning Co., from Bellingham, Wash., November 19, 1921, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Repeater Brand * * * Pink Salmon One Pound Net Guaranteed By P. E. Harris & Co. Packed in U. S. A."

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

On April 20, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11936. Adulteration of walnut meats. U. S. v. 2 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17327. I. S. No. 11328-v. S. No. W-1342.)

On March 9, 1923, the United States attorney for the District of Colorado, 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 2 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Magnus Fruit Products Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., on or about February 15, 1923, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dark Amber 50 Lbs. Net Magnus Fruit Prod. Co. * * * San Francisco, Cal."

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

On April 30, 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. F. MARVIN, *Acting Secretary of Agriculture.*

11937. Misbranding of apples. U. S. v. Paul McKercher. Plea of guilty. Fine, \$25. (F. & D. No. 16967. I. S. No. 11184-t.)

On April 13, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Paul McKercher, White Salmon, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 27, 1922, from the State of Washington into the State of Oregon, of a quantity of apples which were misbranded. The article was labeled in part: (Box) "Weight about 50 lbs. net when packed. Grown and Packed by Paul McKercher White Salmon, Wash."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 4 boxes was 40 pounds 12½ ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight about 50 lbs. net when packed," borne on the boxes containing the said article, was false and misleading in that the said statement represented that each of the boxes contained 50 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said boxes contained 50 pounds net of the article, whereas, in truth and in fact, each of said boxes did not contain 50 pounds net of the article 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 June 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11938. Adulteration of walnut meats. U. S. v. 26 Boxes of Walnut Meats. Product released under bond to be reconditioned. (F. & D. No. 17345. I. S. No. 8287-v. S. No. W-1326.)

On or about March 10, 1923, the United States attorney for the Eastern 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 praying the seizure and condemnation of 26 boxes of walnut meats, at Spokane, Wash., consigned by Fred L. Mitchell & Son, Santa Ana, Calif., alleging that the article had been shipped on or about February 2, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Standard Amber Fred L. Mitchell & Son Walnut Meats Santa Ana California."

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

On September 29, 1923, the Hazelwood Co., Spokane, Wash., having theretofore appeared as claimant and taken the property down under bond to be reconditioned, it was ordered by the court that the product be released and the bond discharged.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11939. Adulteration and misbranding of butter. U. S. v. 152 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17560. I. S. No. 4258-v. S. No. C-3994.)

On or about June 18, 1923, the United States attorney for the Northern District of Illinois, 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 152 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Stanley Dairy & Warehouse Co., from Stanley, Wis., June 6, 1923, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the 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 September 12, 1923, the Waskow Butter Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was 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 it be reprocessed under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11940. Adulteration and misbranding of molasses feed. U. S. v. National Milling Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16416. I. S. Nos. 9462-t, 9463-t.)

On January 29, 1923, the United States attorney for the Southern District of Georgia, 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 National Milling Co., a corporation, Macon, Ga., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about