

12203. Adulteration of shell eggs. U. S. v. Joseph W. Williams. Plea of guilty. Fine, \$25. (F. & D. No. 17408. I. S. No. 7582-v.)

On June 7, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. Williams, Republican City, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 200, or 13.88 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

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

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12204. Adulteration and misbranding of canned tuna fish. U. S. v. 1 Case and 75 Cans, et al., of Canned Tuna Fish. Default decrees of condemnation, forfeiture, and destruction, with the proviso that the product might be released under bond. (F. & D. Nos. 17009, 17011, 17017, 17018, 17032. I. S. Nos. 162-v, 169-v, 170-v, 172-v, 174-v. S. Nos. E-3260, E-3261, E-3262, E-3263, E-3264.)

On December 5, 6, 7, and 12, 1922, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49½ cases and 75 cans of tuna fish, remaining in the original unbroken packages in part at Bridgeport and in part at New Haven, Conn., alleging that the article had been shipped in various lots, in part by P. Pastene & Co., New York, N. Y., and in part by DeCesare & Morrocco, New York, N. Y., between the dates of June 8 and November 4, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Pasco Tonno * * * Qualita Extra * * * Tuna Fish." The remainder of the said article was labeled in part: (Can) "Tonno In Olio Di Oliva Marca Pasco Pasco Brand * * * Bonita Packed With Double Olive Oil;" (case) "100 No. 1 Quarter Tuna Cans Kanopen."

Adulteration of the article was alleged in substance in the libels for the reason that bonita had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on a portion of the article bore statements, designs, and devices as follows, (can) "Tuna Fish * * * Packed For Purity Products Co.," and the labels on the remainder thereof bore statements, designs, and devices as follows, "Tuna" and "Tonno," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tuna fish.

On December 5, 1923, P. Pastene & Co., New York, N. Y., claimant, having withdrawn its appearance theretofore entered, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal, with the proviso that the product might be released to the said P. Pastene & Co. upon payment of the costs of the proceedings on or before December 10, 1923, and the execution of a good and sufficient bond in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12205. Misbranding of canned shrimp. U. S. v. Soal S. Goffin. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 17072. I. S. Nos. 5592-t, 13166-t.)

On April 5, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Soal S. Goffin, Jacksonville, Fla., alleging shipment by said defendant, in violation of the food and drugs act, as amended, on or about September 15, 1921, from the State of Florida into the States of Massachusetts and Maine of quantities of canned shrimp which was misbranded. The article was labeled in part: (Can)