

12255. Adulteration of canned sardines. U. S. v. 38 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17740. I. S. No. 4616-v. S. No. C-4112.)

On August 22, 1923, the United States attorney for the Southern District of Ohio, 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 38 cases of sardines at Cincinnati, Ohio, consigned by the Columbian Canning Co., Lubec, Me., on or about July 6, 1923, alleging that the article had been shipped from Lubec, Me., and transported from the State of Maine into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Champion Brand American Sardines * * * Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

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 animal substance.

On January 22, 1924, no claimant having appeared for the property, judgment of the court was entered, which, as subsequently amended, provided for the condemnation, forfeiture, and destruction of the product.

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

12256. Adulteration and misbranding of alimentary paste. U. S. v. 10 Boxes of Alimentary Paste. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18284. I. S. No. 12121-v. S. No. W-1471.)

On February 2, 1924, the United States attorney for the District of New Mexico, 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 10 boxes, 20 pounds each, of alimentary paste, remaining unsold in the original packages at Raton, N. Mex., alleging that the article had been shipped by the Queen City Macaroni Manufacturing Co. from Denver, Colo., January 12, 1924, and transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Shipping package) "Golden West Brand * * * Manufactured And Guaranteed By Queen City Macaroni Mfg. Co. * * * Denver, Colo." (stencil) "Extra Fine Semolina Net Weight 20 Lbs." (case) "Mezzani," "Ziti," and "Perciatelli," respectively.

Adulteration of the article was alleged in substance in the libel for the reason that a product containing excessive moisture and in part artificially colored had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Extra Fine Semolina," "Mezzani," "Ziti," and "Perciatelli," "Net Weight 20 Lbs.," as the case might be, were false and misleading and were intended to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the quantity of the contents of the said packages was not plainly and conspicuously marked on the outside of the package.

On April 10, 1924, 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 sold by the United States marshal.

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

12257. Adulteration of shell eggs. U. S. v. 47 Cases et al., of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18297, 18370, 18371, 18372, 18373, 18374. I. S. No. 11931-v. S. No. W-1473.)

On January 23, 1924, 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 libels praying the seizure and condemnation of 131 cases of eggs, at Denver, Colo., consigned by the Hastings Poultry Co., Hastings, Nebr., alleging that the article had been shipped from Hastings, Nebr., on or about January 18, 1924, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On January 28, 1924, the cases having been consolidated into one action and the Green Bros. Fruit & Produce Co., Denver, Colo., claimant, having ad-