

12419. Adulteration of canned salmon. U. S. v. 378 Cases and 297 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released to be used as fish food. (F. & D. Nos. 14237, 14238. I. S. Nos. 10530-t, 10532-t. S. Nos. W-844, W-845.)

On January 24, 1921, 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 praying the seizure and condemnation of 675 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sitka Packing Co., from Sitka, Alaska, in two consignments, namely, August 31 and September 26, 1919, respectively, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Baranoff Brand Pink Salmon * * * Sitka Packing Co., Sitka, Alaska." The remainder of the said article was labeled in part: (Can) "Edgecombe Brand * * * Cohoe * * * Salmon—Sitka Packing Co., Sitka, Alaska."

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 March 3, 1924, the Sitka Packing Co., claimant, having admitted the 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 delivered to the Washington Fisheries Department to be used as fish food in the fish hatcheries, upon payment of the costs of the proceedings by the supervisor of the said fisheries department.

HOWARD M. GORE, *Secretary of Agriculture.*

12420. Misbranding of potatoes. U. S. v. H. Rouw Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17528. I. S. No. 8228-v.)

On April 20, 1923, the United States attorney for the Western District of Arkansas, 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 H. Rouw Co., a corporation, Van Buren, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 5, 1923, from the State of Arkansas into the State of Colorado, of a quantity of potatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12421. Misbranding of feed. U. S. v. Arcady Farms Milling Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17945. I. S. Nos. 1380-v, 10578-v.)

On May 8, 1924, 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 an information against the Arcady Farms Milling Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about April 16 and July 20, 1923, respectively, from the State of Illinois into the State of Maryland, of quantities of feed which was misbranded. A portion of the article was labeled in part: "Arco * * * Milk-Maker Manufactured By Arcady Farms Mlg. Co. Chicago, Ill. * * * Guaranteed Analysis Protein 20%." The remainder of the article was labeled in part: "Arcady Wonder Mash With Buttermilk * * * Guaranteed Protein 20% * * * Manufactured By Arcady Farms Milling Co. Chicago, Ill."

Analysis by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained approximately 17.31 per cent and 18.34 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 20%," and "Guaranteed Protein 20%," borne on the sacks containing the respective consignments of the article, were false and misleading in that the said statements represented that the article contained not less than 20 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 20 per cent

of protein, whereas, in truth and in fact, it did contain less than 20 per cent of protein, the consignments containing approximately 17.31 per cent and 18.34 per cent, respectively, of protein.

On June 19, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12422. Misbranding of oats. U. S. v. 100 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18633. I. S. No. 18062-v. S. No. C-4351.)

On April 30, 1924, the United States attorney for the Northern District of Mississippi, 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 100 sacks of oats, at Okolona, Miss., alleging that the article had been shipped by the Mississippi Elevator Co., Memphis, Tenn., April 19, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was billed and invoiced as oats.

Misbranding of the article was alleged in the libel for the reason that it contained an admixture of oats containing moisture, wild oats, barley skimmings, rye, corn, chaff, dirt, and foreign material, and was offered for sale under the distinctive name of oats. Misbranding was alleged for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and (or) numerical count.

On June 20, 1924, the Mississippi Elevator Co. having appeared as claimant for the property, 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 \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled in accordance with law.

HOWARD M. GORE, *Secretary of Agriculture.*

12423. Adulteration and misbranding of oil. U. S. v. 16 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15809. I. S. No. 5554-t. S. No. E-3795.)

On March 7, 1922, the United States attorney for the District of Rhode Island, 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 16 cans of oil remaining in the original unbroken packages at Providence, R. I., consigned by Campas & Co., New York, N. Y., alleging that the article had been shipped on or about December 16, 1921, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore the following statements regarding the article and the ingredients or substances contained therein, "Olio Puro La Vittoria Degli Alleati Brand * * * Soya Bean Oil Flavored Slightly With Pure Olive Oil * * * Net Contents One Gallon * * * Qualità Superiore * * * Olio De Tavola Garentito Puro * * * Packed by Oriental Importing Co.," which, together with a design or device showing an Italian soldier kneeling before a crowned female holding an Italian flag, a map showing Italy and environs, and the use of the Italian language, 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 offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was falsely branded as to the country in which it was manufactured or produced.

On June 12, 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 destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*