

On January 24, 1925, A. Morici, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further 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 relabeled "Artificially Colored."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13083. Adulteration of minced clams. U. S. v. 500 Cases and 1,400 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. Nos. 18890, 18891. I. S. Nos. 20697-v, 20698-v. S. Nos. W-1542, W-1543.)

On August 6, 1924, 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 1,900 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Cordova Packing Co., from Cordova, Alaska, in part July 16, 1924, and in part July 22, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water or brine, had been mixed and packed therewith so as to reduce, lower, and 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 consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 29, 1925, G. P. Halferty Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having 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 \$4,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13084. Misbranding of cottonseed cake. U. S. v. Conway Oil & Ice Co. Plea of guilty. Fine, \$100. (F. & D. No. 17619. I. S. No. 10438-v.)

On September 28, 1923, the United States attorney for the Eastern 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 Conway Oil & Ice Co., a corporation, Conway, Ark., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 2, 1922, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal."

Examination of 60 sacks of the article by the Bureau of Chemistry of this department showed that the average net weight of the sacks examined was 97.33 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight 100 Pounds Net," borne on the sacks containing the article, was false and misleading, in that the said statement represented that each of said sacks contained 100 pounds net weight of the 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 said sacks contained 100 pounds net weight of the article, whereas each of said sacks did not contain 100 pounds net weight of the said 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 January 24, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*