

at Greenfield, Mass., alleging that the article had been shipped by M. De Bruyn Importing Co., from New York, N. Y., December 6, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that a substance, fish other than tuna, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement "Tuna Standard All Light Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 8, 1925, 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.

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

13506. Misbranding and alleged adulteration of canned tuna fish. U. S. v. 24½ Cases, et al, of Tuna Fish. Default decree, adjudging product misbranded and ordering its destruction. (F. & D. Nos. 19960, 19961. I. S. Nos. 14737-v. 14738-v. S. No. C-4698.)

On or about April 2, 1925, the United States attorney for the Eastern District of Tennessee, 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 49 cases of tuna fish, at Johnson City, Tenn., alleging that the article had been shipped by the M. De Bruyn Importing Co., from New York, N. Y., on or about February 19, 1925, and transported from the State of New York into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Selected Quality * * * California Tuna * * * All Light Meat."

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

Misbranding was alleged for the reason that the statement "California Tuna Standard All Light Meat," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 25, 1925, no claimant having appeared for the property, judgments of the court were entered, finding the product misbranded and ordering that it be destroyed by the United States marshal.

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

13507. Adulteration and misbranding of malt sirup. U. S. v. 40 Cases of Malt Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14868. I. S. No. 5951-t. S. No. E-3363.)

On May 17, 1921, the United States attorney for the Western District of New York, 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 40 cases, each containing a number of cans, of malt sirup, remaining in the original unbroken packages at Jamestown, N. Y., alleging that the article had been shipped by the Michigan Malted Milk Co., from Jackson, Mich., August 23, 1920, and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "2½ Lbs. Net Weight, Michi-Gander Brand Malt Syrup * * * Michigan Malted Milk Co., Jackson, Mich."

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

Misbranding was alleged for the reason that the net weight of the contents of the said cans was not correctly marked on the outside thereof.

On October 29, 1921, 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.

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