

13885. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19926. I. S. No. 16486-v. S. No. E-5199.)

On or about April 2, 1925, 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 a libel praying the seizure and condemnation of 7 cases of tuna fish, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., on or about December 4, 1924, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Tuna Standard All Light Meat * * * Net Contents 7 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, 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 statements "Tuna * * * Standard All Light Meat Net Contents 7 Ounces," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further 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 August 7, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13886. Adulteration and misbranding of evaporated apples. U. S. v. 72 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20023. I. S. No. 16418-v. S. No. E-5300.)

On April 23, 1925, 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 a libel praying the seizure and condemnation of 72 cases of evaporated apples, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Aspegren Fruit Co., from Sodus, N. Y., in various consignments, namely, on or about October 24, November 7, December 5 and 12, 1924, and January 9, 1925, respectively, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Victor Brand Evaporated Apples Sulphured Packed By The Aspegren Fruit Co. Sodus, N. Y., Contents 6 Oz. Net."

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

Misbranding was alleged for the reason that the statement "Contents 6 Oz. Net," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further 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 August 7, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13887. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20407. I. S. No. 311-x. S. No. W-1770.)

On August 20, 1925, 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 a libel praying the seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by Keith Bros., Curtis, Nebr., alleging that the article had been shipped from Curtis, Nebr., on or about August 14, 1925, and transported from the State of Nebraska into the State of Colorado, and charging