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W. M. JARDINE, *Secretary of Agriculture.*

14387. Adulteration of shell eggs. U. S. v. 9 Crates and 8 Crates of Shell Eggs. Default decrees of condemnation, forfeiture and destruction. (F. & D. Nos. 21128, 21129. I. S. Nos. 8207-x, 8208-x. S. Nos. E-5765, E-5766.)

On May 19, 1926, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 17 crates of shell eggs, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Kerlin's Grand View Poultry Farm, from Center Hall, Pa., in part on or about May 14, 1926, and in part on or about May 17, 1926, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kerlin's Grand View Poultry Farm, Center Hall, Pa."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of decomposed eggs.

On June 17, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14388. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21082. I. S. No. 704-x. S. No. W-1969.)

On or about April 24, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 cases, each containing 60 pounds, of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that on or about April 23, 1926, the article had been delivered for shipment in interstate commerce from the State of California to the Territory of Hawaii, by the E. L. Thomson Co. Inc., Los Angeles, Calif., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Pasteurized Clover Glen Brand Butter E. L. Thomson Co. Inc. Net Weight 16 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 16 Oz.," borne on the labels, 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 packages, since the quantity stated was not correct.

On May 5, 1926, the E. L. Thomson Co., Inc., Los Angeles, Calif., 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 \$125, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

14389. Adulteration of ether. U. S. v. 794 Cans, et al., of Ether. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21033. I. S. Nos. 8353-x to 8356-x, incl. S. No. E-5723.)

On April 26, 1926, the United States attorney for the Southern 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 seizure and condemnation of 2,184 cans of ether, remaining unsold in the original cans, at New York, N. Y., alleging that the article had been shipped by Powers-Weightman-Rosengarten Co., from Philadelphia, Pa., in various consignments, January 28, March 10 and 15, and April 1, 1926, respectively, and transported from the State of Pennsylvania into the State of New York, and charging

adulteration in violation of the food and drugs act. The article was labeled in part: "Quarter Pound" (or "Half Pound") "Ether U. S. P. For Anaesthesia."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it failed to comply with the pharmacopœial requirements for freedom from peroxide, aldehyde and foreign odor.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of quality and purity as determined by the tests laid down in the said pharmacopœia, and for the further reason that its purity fell below the professed standard or quality under which it was sold.

On June 22, 1926, the Powers-Weightman-Rosengarten Co., Philadelphia, Pa., 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 \$450, conditioned in part that it be delivered to the factory of the claimant for salvaging, or relabeling for technical purposes.

W. M. JARDINE, *Secretary of Agriculture.*

14390. Adulteration of walnut meats. U. S. v. 50 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21023. I. S. No. 695-x. S. No. E-3272.)

On or about April 29, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of walnut meats, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by Leon Mayer, Los Angeles, Calif., on or about March 30, 1926, and transported from the State of California into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mayers Brand Packed By Leon Mayer California Nut Products * * * Los Angeles."

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

On June 21, 1926, the California Walnut Growers' Assoc., a California corporation, having appeared as claimant for the property and 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 released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, conditioned in part that it be cleaned, sorted, and reconditioned to comply with the law, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

14391. Misbranding of butter. U. S. v. 600 One-Pound Cartons of Butter. Product adjudged misbranded and ordered released. (F. & D. No. 20977. I. S. No. 639-x. S. No. W-1852.)

On or about February 8, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 one-pound cartons of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned from Wilmington, Calif., to Honolulu, T. H., and returned to Los Angeles, Calif., alleging that the article had been shipped via the Los Angeles Steamship Co., from Wilmington, Calif., on or about January 16, 1926, and that it had been shipped in interstate commerce from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Pasteurized Clover Glen Brand Sweet Cream Butter * * * Net Weight 16 Oz. Distributed by E. L. Thomson Co., Inc., Los Angeles."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 16 Oz.," borne on the labels, 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, since the quantity stated was not correct.