

15140. Adulteration of oranges. U. S. v. 42 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21795. I. S. No. 5984-x. S. No. E-6007.)

On March 22, 1927, the United States attorney for the Western District of Pennsylvania, 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 42 boxes of oranges, at Pittsburgh, Pa., alleging that the article had been shipped by the Umatilla Fruit Co., from Umatilla, Fla., on or about March 9, 1927, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Floridas, Umatilla Fruit Co., Umatilla, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On May 27, 1927, 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.

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

15141. Misbranding of butter. U. S. v. 260 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21901. I. S. Nos. 15299-x, 15302-x, 15303-x. S. No. C-5463.)

On April 8, 1927, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 260 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Sunlight Produce Co., Neosho, Mo., in various consignments, on or about March 1, 15, and 21, 1927, respectively, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunlight Creamery Butter One Pound Net."

Examination of the article by this department showed that it was short weight.

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound 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 April 21, 1927, the Sunlight Produce Co., Neosho, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, 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 good and sufficient bond, conditioned in part that it be reworked and reconditioned, and not be sold or otherwise disposed of until inspected by a representative of this department.

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

15142. Adulteration and misbranding of canned clams. U. S. v. 85 Cases and 85 Cases of Clams. Decree of condemnation entered. Product released under bond. (F. & D. No. 21405, 21406, 21407. I. S. Nos. 12654-x, 12655-x, 12656-x. S. No. W-2045.)

On or about November 23, 1926, 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 seizure and condemnation of 170 cases of canned clams, remaining in the original unbroken packages at Denver, Colo., consigned by the G. P. Halferty Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., on or about October 13, 1926, and transported from the State of Washington into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (can) "Pioneer Brand Minced Sea Clams * * * Distributed by G. P. Halferty & Company, Seattle, U. S. A. * * * Contents 7 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water or brine, had been mixed and packed therewith so as to reduce, lower, and 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 "Contents 7 Oz.," on the label, was false and misleading and deceived and misled the purchaser thereof, since the net contents of the clams in each of the said cans was less than 7 ounces. 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 March 31, 1927, G. P. Halferty & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings and executed a bond in the sum of \$500, conditioned in part that the product not be sold or otherwise disposed of contrary to law, judgment of condemnation was entered, and it was ordered by the court that the said product be released to the claimant to be relabeled under the supervision of this department.

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

143. Adulteration and misbranding of oysters. U. S. v. 87 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21790. I. S. No. 13002-x. S. No. W-2131.)

On March 31, 1927, 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 seizure and condemnation of 87 cases of oysters, remaining in the original unbroken packages at Denver, Colo., consigned by the C. B. Foster Packing Co., Biloxi, Miss., alleging that the article had been shipped from Biloxi, Miss., on or about February 16, 1927, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Solitaire Oysters Fancy Quality * * * Net Weight Of Oyster Meat 5 Ozs."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed with and substituted in part for oysters.

Misbranding was alleged for the reason that the statement "Net Weight Of Oyster Meat 5 Ozs.," was false and misleading and deceived and misled the purchaser, and 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 April 22, 1927, Lovell & Lee, Inc., Denver, Colo., claimants, 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 \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law, and it was further ordered that the product be examined and relabeled under the supervision of this department.

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

144. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21651. I. S. No. 15420-x. S. No. C-5328.)

On February 17, 1927, the United States attorney for the Eastern District of Louisiana, 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 400 sacks of cottonseed meal, remaining in the original unbroken packages at Bogalusa, La., alleging that the article had been shipped from the Betta Seed Mills, Inc., Jackson, Miss., on or about February 7, 1927, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Choice Cottonseed Meal Manufactured By The Buckeye Cotton Oil Company, Jackson, Mississippi. Guaranteed Analysis * * * Crude Protein, not less than 41.12 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement, regarding the said article, "Crude Protein, not less than 41.12 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On April 25, 1927, the Buckeye Cotton Oil Co., Jackson, Miss., having appeared as claimant for the property and having admitted the allegations of