

16063. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22950. I. S. No. 02701. S. No. 1012.)

On August 3, 1928, 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 seizure and condemnation of 1 barrel of frozen poultry at Buffalo, N. Y., consigned by the Bellman Produce Co., Sioux Falls, S. Dak., alleging that the article had been shipped from Sioux Falls, S. Dak., on or about January 19, 1928, and transported from the State of South Dakota into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On August 6, 1928, the claimants and owners having consented to the destruction of the product and having paid all costs, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16064. Misbranding of butter. U. S. v. 49 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23073. I. S. No. 062. S. No. 1049.)

On July 24, 1928, the United States attorney for the Northern 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 49 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Swift & Co., from Weiser, Idaho, on or about July 10, 1928, and transported from the State of Idaho into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Brookfield Pasteurized Creamery Butter * * * Distributed by Swift & Company, * * * Chicago, * * * 2 Lbs. Net Weight."

It was alleged in the libel that the article was misbranded in that the statement "2 Lbs. Net Weight" was false and misleading and deceived and misled the purchaser, since the packages contained lesser quantities. 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, since the quantity stated was not correct.

On August 6, 1928, Swift & Co., Chicago, Ill., having appeared as claimant for the property 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 costs and the execution of a bond in the sum of \$829, conditioned in part that it be made to conform with the law under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16065. Misbranding of An-A-Cin. U. S. v. 4 Cartons and 150 Boxes of An-A-Cin. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22827, 22828. S. Nos. 881, 883.)

On June 19, 1928, the United States attorney for the District of Maryland, 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 4 cartons, each carton containing 45 packages and 150 boxes of An-A-Cin, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in part by McNally Bros. warehouse, from New York, N. Y., on or about May 26, 1928, and in part by McNally Bros., from Brooklyn, N. Y., on or about May 30, 1928, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of acetphenetidin (3 grains per tablet), quinine, acetylsalicylic acid, caffeine, and starch.

It was alleged in the libel that the article was misbranded in that the packages failed to bear a statement on the label of the quantity or proportion of acetphenetidin, a derivative of acetanilide, since, although the statement