

packages at Lynn, Mass., consigned about June 27, 1928, alleging that the article had been shipped by the Seacoast Canning Co., Eastport, Me., and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Neptune Brand Maine Sardines Packed in Salad Oil Seacoast Canning Co., Eastport, Maine."

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.

On January 17, 1929, 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.*

16169. Adulteration of tomato puree. U. S. v. 40 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23254. I. S. No. 03175. S. No. 1342.)

On December 17, 1928, the United States attorney for the Eastern 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 40 cases of tomato puree, remaining in the original unbroken packages at Chester, Pa., consigned by Wm. Laning & Son Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., on or about October 6, 1928, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Silver Lake Whole Tomato Puree * * * Packed by Wm. Laning & Son Co."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy vegetable substance.

On January 8, 1929, 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.*

16170. Misbranding of tuna fish. U. S. v. 100 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22815. I. S. No. 24512-x. S. No. 853.)

On June 13, 1928, 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 100 cases of tuna fish, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the San Diego Packing Co., from San Diego, Calif., on or about March 6, 1928, and transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sapphire Brand, All Light Meat Tuna * * * Net Weight 7 Oz. Packed by Neptune Sea Food Company, San Diego, Calif."

It was alleged in the libel that the article was misbranded in that the statement on the label "Net Weight 7 Oz." 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, since the statement "Net Weight 7 Oz." was incorrect and was neither plain nor conspicuous.

On January 8, 1929, the San Diego Packing Co., San Diego, 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 costs and the execution of a bond in the sum of \$1,200, conditioned in part that it be relabeled under the supervision of this department.

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

16171. Misbranding of cottonseed cake. U. S. v. 140 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23271. I. S. No. 04794. S. No. 1385.)

On December 21, 1928, the United States attorney for the Southern District of Illinois, 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 140 sacks of cottonseed cake at Springfield, Ill., alleging that

the article had been shipped by the Dallas Oil & Refining Co., Dallas, Tex., on or about December 13, 1928, and transported from the State of Texas into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Climax Brand Cottonseed Cake and Meal Prime Quality Guaranteed Analysis Crude Protein not less than 43% * * * Made from Decorticated Cotton Seed for Southland Cotton Oil Company * * * Paris, Texas."

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Protein not less than 43%," was false and misleading and deceived and misled the purchaser when applied to a product containing a less amount of protein than stated on the label.

On January 8, 1929, the Dallas Oil & Refining Co., Dallas, Tex., 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 \$500, conditioned in part that it be relabeled under the supervision of this department.

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

16172. Adulteration of frozen poultry. U. S. v. 10 Barrels of Frozen Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23175. I. S. No. 01779. S. No. 1277.)

On October 31, 1928, the United States attorney for the Northern District of Illinois, 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 10 barrels of frozen poultry, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Fort Worth Poultry & Egg Co., from Fort Worth, Tex., October 6, 1928, and transported from the State of Texas into the State of Illinois, 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.

On January 3, 1929, the Sangamon Commission House, claimant, having admitted the material 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be examined under the supervision of this department and the portion unfit for food destroyed and the portion fit for food released.

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

16173. Adulteration of chestnuts. U. S. v. 5 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23302. I. S. No. 01734. S. No. 1430.)

On January 2, 1929, the United States attorney for the Southern District of Ohio, 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 5 cases of chestnuts, remaining in the original unbroken packages at Cincinnati, Ohio, consigned by Sgobel & Day, Lexington, Ky., alleging that the article had been shipped from Lexington, Ky., December 20, 1928, and transported from the State of Kentucky into the State of Ohio, 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 vegetable substance.

On January 17, 1929, 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.*

16174. Adulteration and misbranding of pink root. U. S. v. R. Hillier's Son Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 22560. I. S. No. 13315-x.)

On October 15, 1928, 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 an information against the R. Hillier's Son Co. (Inc.), Jersey City, N. J., alleging shipment by said company, in violation of the food and drugs act, on or about February 2, 1927, from the