

part, variously: (Cans) "Rialto California Pimientos Morrones Sweet Peppers * * * Net Contents 4 Oz. * * * Packed by the Rialto Corporation, Long Beach * * * U. S. A.;" "Stewart Super Quality California Pimientos Morrones * * * Net Contents 4 Oz. * * * The Alexander B. Stewart Organizations Incorporated Los Angeles, U. S. A.;" "Garnishola California Pimientos Morrones Extra Fancy Sweet Red Peppers * * * Net Contents 4 oz. * * * Packed by The Curtis Corporation Long Beach, Cal., U. S. A."

It was alleged in the libels that the article was misbranded in that the statement "Net Contents 4 Oz.," borne on the can label, was false and misleading and deceived and misled the purchaser. 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 February 4, 1929, the Curtis Corporation, Long Beach, Calif., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds totaling \$460, conditioned in part that it be relabeled under the supervision of this department.

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

16196. Adulteration of canned sardines. U. S. v. 12 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23024. I. S. No. 03302. S. No. 1104.)

On August 27, 1928, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 12 cases of sardines, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by the R. J. Peacock Canning Co., from Lubec, Me., June 8, 1928, and transported from the State of Maine into the District of Columbia, that it was being offered for sale in the District of Columbia, and charging adulteration in violation of the foods and drugs act. The article was labeled in part: "Ski-Hi Brand Sardines * * * Packed by R. J. Peacock Canning Co., Lubec, Maine."

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

On February 11, 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.*

16197. Adulteration of canned sauerkraut. U. S. v. 150 Cases of Canned Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23293. I. S. No. 05909. S. No. 1420.)

On December 29, 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 150 cases of canned sauerkraut, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the C. M. Bogle Packing Co., from Seattle, Wash., on or about October 27, 1928, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Husky Brand Sauerkraut * * * Packed by C. M. Bogle Packing Co., Seattle."

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 February 9, 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.*

16198. Adulteration and misbranding of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 22574. I. S. Nos. 17489-x, 17494-x.)

On August 10, 1928, the United States attorney for the District of Utah, 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 Mutual Creamery Co., a corporation, Odgen, Utah, alleging shipment by said company,