

16678. Adulteration of shell eggs. U. S. v. 6 cases, et al., of Shell Eggs. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22935, 22961. I. S. Nos. 0816, 0821. S. Nos. 1017, 1035.)

On August 6 and August 31, 1928, respectively, the United States attorney for the Northern District of Alabama, 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 35 cases of shell eggs at Birmingham, Ala., alleging that the article had been shipped by the J. H. McCarty Produce Co., from Tupelo, Miss., in part on July 20, 1928, and in part on July 24, 1928, and transported from the State of Mississippi into the State of Alabama and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. H. McCarty Produce Company, Tupelo, Miss."

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

On September 8, 1928, the J. H. McCarty Produce Co., Tupelo, Miss., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$400, the said product to be recandled to meet the requirements of this department and to be disposed of under its supervision

ARTHUR M. HYDE, *Secretary of Agriculture.*

16679. Adulteration and misbranding of canned sauerkraut. U. S. v. 2 Cases, et al., of Canned Sauerkraut. Default decrees of condemnation and forfeiture entered. (F. & D. Nos. 17123, 17297. I. S. Nos. 237-v, 319-v. S. Nos. E-4275, E-4310.)

On January 15 and February 21, 1923, respectively, the United States attorney for the Eastern District of New York, 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 50 cases of canned sauerkraut remaining in the original unbroken packages, in part at Brooklyn, N. Y., and in part at Astoria, L. I., N. Y., alleging that the article had been shipped by the W. H. Killian Co., from Baltimore, Md., in two consignments, on or about November 23, 1922, and December 11, 1922, respectively, and transported from the State of Maryland into the State of New York, and charging adulteration with respect to a portion of the article, and adulteration and misbranding with respect to the remainder thereof, in violation of the food and drugs act. The article was labeled in part: (Cans) "Killian's Kuaity Sauer Kraut. Contents 1 lb. 13 oz. (or "Contents 2 Lbs.") Packed by W. H. Killian Co., Baltimore U. S. A."

It was alleged in the libels that the article was adulterated in that excess brine had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged with respect to a portion of the product for the further reason that the statements "Kuaity Sauer Kraut, Contents 1 Lb. 13 Oz.," borne on the label, were false and misleading and deceived and misled the purchaser.

On August 3, 1929, no appearance having been entered in the cases, judgments of condemnation and forfeiture were entered.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16680. Adulteration and misbranding of alfalfa meal and chicken greens. U. S. v. 280 Sacks of Alfalfa Meal, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23257. I. S. Nos. 03585, 03586. S. No. 1367.)

On January 2, 1929, the United States attorney for the Eastern 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 280 sacks of alfalfa meal and 120 sacks of chicken greens, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about November 9, 1928, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Fine Ground Alfalfa Meal * * * Crude Protein not less than 16. Crude Fat, not less than 2.00. Crude Fiber not more than 28.00, * * * Manufactured by California Hawaiian Milling Co., San Francisco, Cal.," :