

16682. Adulteration of canned sardines. U. S. v. 46 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23205, 23206, 23214, 23215, 23223. I. S. Nos. 02220, 02221, 02222, 02257, 02258. S. Nos. 1309, 1310, 1325, 1326, 1328.)

On November 26, December 1, and December 5, 1928, respectively, the United States attorney for the Northern District of Georgia, 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 500 cases of canned sardines, remaining in the original unbroken packages in various lots, at Atlanta, Newman, and Carrollton, Ga., respectively, alleging that the article had been shipped by the Van Camp Sea Food Co. (Inc.), in various shipments from East San Pedro, Terminal Island, and Wilmington Calif., respectively, between the dates of November 16, 1927 and February 8, 1928, and transported from the State of California into the State of Georgia and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Star Tinapa Sardines (or "White Star Brand California Smoked Sardines, Tinapa") * * * Van Camp Sea Food Co Inc."

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

On December 31, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16683. Adulteration and misbranding of tomato paste. U. S. v. La Sierra Heights Canning Co. Plea of guilty. Fine, \$350. (F. & D. Nos. 22599. I. S. Nos. 20337-x, 20338-x, 23421-x, 24005-x, 24006-x.)

On April 5, 1929, the United States attorney for the Southern District of California, 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 La Sierra Heights Canning Co., a corporation, Arlington, Calif., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 28, 1927, and January 10, 1928, from the State of California into the State of Pennsylvania, on or about November and November 17, 1927, respectively, from the State of California into the State of New York, and on or about December 16 and December 29, 1927, respectively, from the State of California into the State of Louisiana, of quantities of tomato paste, which was adulterated and misbranded. The article was labeled in part: "Naples Style Tomato Paste (or "Liberta" Brand Tomato Paste") * * * Packed By La Sierra Heights Canning Co., Arlington, Ca."

It was alleged in the information that the article was adulterated in that a substance, to wit, an artificially colored tomato paste, had been substituted for tomato paste, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomato Paste," borne on the label attached to the cans containing the article, was false and misleading in that the said statement represented that the article consisted wholly of tomato paste, and for the further reason that it was labeled aforesaid so as to deceive and mislead the purchaser into the belief that consisted wholly of tomato paste, whereas it did not so consist but did consist in part of undeclared artificial color.

On April 26, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture*

16684. Adulteration of butter. U. S. v. 117 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 166 I. S. No. 3755-v. S. No. E-4080.)

On July 29, 1922, 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 117 tubs of butter, remaining in the original unbroken packages Brooklyn, N. Y., alleging that the article had been shipped by the New London Creamery Association, New London, Minn., on or about July 11, 1922, and transported from the State of Minnesota 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 a substance, excessive water, had been mixed and packed with and substituted with

or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On August 3, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16685. Adulteration of canned sardines. U. S. v. 10 Cases of Sardines. Default decree of forfeiture and destruction. (F. & D. No. 23046. I. S. No. 02505. S. No. 1129.)

On September 4, 1928, the United States attorney for the Southern District of Georgia, 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 cases of sardines, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Sunset Packing Co., from Pembroke, Me., August 16, 1928, and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sunco Brand American Sardines * * * Packed by Sunset Packing Co., Inc., West Pembroke, Washn. Co. Me."

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 October 18, 1928, no claimant having appeared for the property, judgment of 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.*

16686. Adulteration and misbranding of jelly. U. S. v. 25 Pails of Jelly. Decree of condemnation entered. Product released under bond. (F. & D. No. 23665. I. S. No. 07345. S. No. 1903.)

On April 29, 1929, the United States attorney for the District of Montana, 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 25 pails of jelly at Billings, Mont., alleging that the article had been shipped by the Pure Food Manufacturing Co., from Denver, Colo., on or about March 7, 1929, and transported from the State of Colorado into the State of Montana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Stenciled on top of pail) "30 Lbs. Net;" (paper label) "Net Contents 15 ounces—Delicious Brand Apple Pectin and Currant Jelly, Contains Sugar, Fruit, Apple Pectin, Added Fruit Acid and $\frac{1}{2}$ of 1% Benzoate of Soda, Packed by the Pure Food Manufacturing Co., Denver, Colo." The paper label further bore a picture of various fruits and the statement "Artificially Colored," indistinctly rubber stamped at bottom.

It was alleged in the libel that the article was adulterated in that imitation jelly had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements "Apple Pectin and Currant Jelly" and "30 Pounds Net," borne on the labels, were 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, in that the statements made were not correct. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 4, 1929, the Pure Food Manufacturing Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation 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 \$200, conditioned in part that it be relabeled to the satisfaction of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16687. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation and destruction entered. (F. & D. No. 23053. I. S. No. 02503. S. No. 1143.)

On September 6, 1928, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the