

On November 2, 1929, the Bowman-Priebe-Ovson Co., now by change of name, Ovson Egg Co., Chicago, Ill., 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 \$10,000, conditioned in part that the cans containing good eggs be segregated from the remainder and the bad portion destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16961. Misbranding of canned tuna fish. U. S. v. 100 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F & D. No. 24357. I. S. Nos. 019289, 019290. S. No. 2624.)

On December 16, 1929, the United States attorney for the Western District of Washington, 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 canned tuna fish, remaining in the original unbroken packages at Everett, Wash., consigned by Cohn Hopkins (Inc.), San Diego, Calif., in part on October 27, 1929, and in part on November 20, 1929, alleging that the article had been shipped in interstate commerce from San Diego, Calif., into the State of Washington, arriving about November 1, 1929, and November 25, 1929, respectively, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "California Brand * * * Tuna Packed by Cohn Hopkins, Inc., * * * San Diego, Calif., Contents 7 Ounces."

It was alleged in the libel that the article was short weight and misbranded in that the statement "Contents 7 Ounces," borne on the 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 failed to bear a plain and conspicuous statement of the quantity of the contents.

On January 6, 1930, Cohn Hopkins (Inc.), 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 \$500, conditioned in part that it be brought into compliance with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16962. Adulteration of cull poultry. U. S. v. 1 Barrel of Cull Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24356. I. S. No. 028687. S. No. 2614.)

On December 16, 1929, 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 1 barrel of cull poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Vilas & Co., from Storm Lake, Iowa, on or about November 15, 1929, and transported from the State of Iowa 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 portion of an animal unfit for food, and in that it was the product of a diseased animal.

On January 7, 1930, 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.*

16963. Adulteration of scallops. U. S. v. 5 Gallons, et al., of Scallops. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24364, 24365, 24366. I. S. Nos. 028622, 028653, 028654. S. Nos. 2544, 2545, 2546.)

On November 22, 1929, the United States attorney for the Southern 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 20 gallons of scallops at New York, N. Y., alleging that the article had been shipped by the Wallace M. Quinn Co., from New Bedford,

Mass., on or about November 20, 1929, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 4, 1929, 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.*

16964. Adulteration of canned blueberries. U. S. v. 22 Cases of Canned Blueberries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24218. I. S. No. 011557. S. No. 2463.)

On or about November 8, 1929, the United States attorney for the District of Massachusetts, 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 22 cases of canned blueberries, remaining in the original unbroken packages at Dorchester (Boston), Mass., alleging that the article had been shipped by the R. J. Peacock Canning Co., from Machias, Me., on or about September 27, 1929, 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: "Peacanco Brand Blueberries * * * Packed by R. J. Peacock Canning Co., Lubec, Maine."

It was alleged in the libel that the article was adulterated in that maggotty blueberries had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for blueberries which the article purported to be. Adulteration was alleged for the further reason that the article consisted in part of a filthy vegetable substance.

On December 9, 1929, the R. J. Peacock Canning Co., Machiasport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, 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 salvaged and the adulterated portion destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16965. Misbranding of vinegar. U. S. v. 100 Cases of Na-Co Brand Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23908. I. S. No. 010140. S. No. 2126.)

On August 1, 1929, the United States attorney for the Western District of Michigan, 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 vinegar, remaining in the original unbroken packages at Muskegon, Mich., alleging that the article had been shipped by the Naas Corporation, Cohocton, N. Y., on or about June 11, 1929, and transported from the State of New York into the State of Michigan, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Na-Co Brand Cider Vinegar Reduced to 4% acetic acid * * * Net Contents One pint (lightly over-stamped) 10 ounces (lightly stamped) Naas Cider & Vinegar Co., Inc., Cohocton, N. Y."

It was alleged in the libel that the article was misbranded in that the statements on the label relative to the net contents were false and misleading and deceived and misled purchasers thereof, since the article was short volume. 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 packages, since the quantity stated was not correct.

On September 5, 1929, the Naas Corporation, Cohocton, N. Y., claimant, having admitted the facts set forth in 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 for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*