

17189. Adulteration of canned tuna fish. U. S. v. 21 Cases of Canned Tuna Fish. Default decree of destruction entered. (F. & D. No. 24426. I. S. No. 011216. S. No. 2669.)

On January 9, 1930, 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 a libel praying seizure and condemnation of 21 cases of canned tuna fish, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Van Camp Sea Food Co., from Los Angeles Harbor, Calif., on or about November 26, 1929, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "White Star Brand California Fancy Tuna Fish. * * * Packed and Guaranteed by White Star Canning Co., Los Angeles Harbor, Calif."

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

On March 25, 1930, no claimant having appeared for the property, a decree was entered adjudging the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17190. Misbranding of flour and corn meal. U. S. v. 496 Sacks of Flour, et al. Decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 24592, 24594, 24595. I. S. Nos. 026998, 026999, 027000. S. No. 2945.)

On March 5, 1930, the United States attorney for the Eastern District of Louisiana, 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 496 sacks of flour and 68 sacks of corn meal, remaining in the original unbroken packages at New Iberia, La., alleging that the articles had been shipped by the American Maid Flour Mills, Houston, Tex., on or about February 20, 1930, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part, variously: "American Maid Flour Every Sack Guaranteed 65 Per Cent Short Patent American Maid Flour Mills Bleached 24 Pounds Net;" "Chief Flour Every Sack Guaranteed Bleached 24 Pounds Net;" "Majesty Corn Meal 24 Pounds Net."

It was alleged in the libel that the articles were misbranded in that the statement on the labels, "24 Pounds Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and failed to bear plain and conspicuous statements of the quantity of contents, since the statements made were incorrect.

On March 31, 1930, the American Maid Flour Mills, Houston, Tex., 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 \$1,400, conditioned in part that it be shipped back to Houston, Tex., under the supervision of this department, to be bulked, repacked, weighed, and relabeled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17191. Adulteration of scallops. U. S. v. 53 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24681. I. S. No. 026437. S. No. 2841.)

On February 10, 1930, 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 53 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned February 4, 1930, alleging that the article had been shipped by J. G. Wyatt, Townsend, Va., and transported from the State of Virginia into the State of Massachusetts, 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 certain substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article.