

On January 9, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 95 cases of flaked tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the E. C. Ortega Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about December 13, 1929, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Jonquil Brand Tuna Flakes Contents 7 Oz. Avd. Packed for the J. S. Brown Mercantile Co. Denver, Colo."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 7 Oz. Avd.," 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 statement made was not correct.

On March 6, 1930, the California Packing Corporation, a California Corporation, 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 \$750, conditioned in part that it be relabeled under the supervision of this department to show the correct weight.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17431. Adulteration of scallops. U. S. v. Three 3-Gallon Cans, et al., of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24290. I. S. No. 02400. S. No. 2541.)

Samples of scallops from the shipment herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of South Carolina. On November 27, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of three 3-gallon cans and one 1-gallon can of scallops, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by Wallace M. Quinn, from New Bedford, Mass., November 24, 1929, and transported from the State of Massachusetts into the State of South Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tate Scallops."

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

On January 13, 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.*

17432. Misbranding of cottonseed feed. U. S. v. 225 Sacks of Cottonseed Feed. Decree of condemnation and forfeiture. Provision for release under bond. (F. & D. No. 24503. I. S. No. 030489. S. No. 2803.)

Samples of cottonseed feed from the shipment herein described having been found to contain less protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

On February 4, 1930, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 225 sacks of cottonseed feed, remaining in the original unbroken packages at Sanford, Fla., alleging that the article had been shipped by the Southern Cotton Oil Co., from Valdosta, Ga., on or about November 23, 1929, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Feed Manufactured by the Southern Cotton Oil Co., Valdosta, Georgia. Guaranteed Analysis Protein 36%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Protein 36%," was false and misleading and deceived and misled the purchaser.

On April 2, 1930, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the Southern

Cotton Oil Co., Valdosta, Ga., to be relabeled, upon payment of costs and the execution of a good and sufficient bond conditioned according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17433. Misbranding of butter. U. S. v. 7 Cases, et al., of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 24057. I. S. No. 08787. S. No. 2198.)

Samples of butter from the herein described shipment having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Georgia.

On August 13, 1929, the United States attorney filed in the United States District Court for the said district a libel praying seizure and condemnation of 7 cases and 17 pounds of butter, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Macon Creamery Co., Macon, Miss., on or about August 6, 1929, and had been transported in interstate commerce from the State of Mississippi into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail carton) "White Pearl Brand Creamery Butter, Macon Creamery Co., Macon, Miss., One Pound Net Weight When Packed."

It was alleged in the libel that the article was misbranded in that the statement on the package, "One Pound," was false and misleading and deceived and misled the purchaser, since the said packages did not contain 1 pound of butter. Misbranding was alleged for the further reason that the article was in package form and failed to bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the package, since the packages were short weight.

On August 29, 1929, the Macon Creamery Co., Macon, Miss., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned so that it comply with the Federal food and drugs act, upon payment of costs and the execution of a bond in the sum of \$200, conditioned as required by law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17434. Adulteration and misbranding of tomato puree. U. S. v. Wm. Laning & Sons Co. Plea of guilty. Fine, \$300. (F. & D. No. 23753. I. S. Nos. 03175, 03181, 03252, 03267, 03272.)

Samples of the tomato puree from the shipments herein described having been found to contain decomposed material from the use in part of unsound tomato trimmings, cores, and skins, the Secretary of Agriculture reported the facts to the United States attorney for the District of New Jersey.

On November 6, 1929, the United States attorney filed in the District Court of the United States for said district an information against Wm. Laning & Son Co., a corporation, Bridgeton, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 27, October 6, October 25, and November 7, 1928, respectively, from the State of New Jersey into the State of Pennsylvania of quantities of tomato puree, which was adulterated and misbranded. The article was labeled in part: "Silver Lake Brand * * * [design of whole red ripe tomato] Whole Tomato Puree * * * Quality Guaranteed. Packed By Wm. Laning & Son Co. Bridgeton, * * * N. J."

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

Misbranding was alleged for the reason that the statements, to wit, "Whole Tomato Puree * * * Quality Guaranteed," together with the design of a whole, red, ripe tomato, borne on the cans containing the article, were false and misleading in that the said statements and design represented that the article was puree made from sound, whole, red, ripe tomatoes; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was puree made from sound, whole, red, ripe tomatoes, whereas it was not, but was made in major part from tomato trimmings, cores, and skins, which were in part moldy, decomposed, and unsound.

On December 9, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

ARTHUR M. HYDE, *Secretary of Agriculture.*