

17435. Adulteration of canned sardines. U. S. v. 469 Cases of Sardines. Product ordered released under bond to be reconditioned. (F. & D. No. 23995. I. S. No. 011053. S. No. 2269.)

Samples of canned sardines from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Texas.

On September 9, 1929, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 469 cases of sardines, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by L. D. Clark & Son of Eastport, Me., from New York, N. Y., and had been transported, on or about May 22, 1929, from the State of New York into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Banquet Brand American Sardines * * * Packed at Eastport Washington Co. Me., by L. D. Clark & Son."

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

On April 9, 1930, L. D. Clark & Son, Eastport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered ordering that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it should not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the product be reconditioned by the removal and destruction of all decomposed fish.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17436. Misbranding of shortening. U. S. v. 40 Cases of Shortening. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24903. I. S. Nos. 07586, 07587, 07588. S. No. 1833.)

Samples of shortening from the herein described interstate shipment having been found to be short weight, the matter was reported to the United States attorney for the Western District of Louisiana.

On March 14, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 40 cases of shortening, remaining in the original unbroken cases at Shreveport, La., alleging that the article had been shipped in interstate commerce (from Memphis, Tenn.) by the Dixie Margarine Co., in various lots, on February 21, February 25, and February 28, 1929, respectively, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "Dixie Brand Colored Nut Product One Pound Net * * * Manufactured by Dixie Margarine Co., Memphis, Tenn."

It was alleged in the libel that the article was in violation of section 8 of the said act, in that the label bore the statement "One Pound Net," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package or carton, since the quantity of food contained therein was less than the quantity labeled on the package.

On March 26, 1929, claim and answer having been filed admitting the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond, conditioned in part that it be removed from the wrappers and cartons and packed in bulk and reshipped to the Dixie Margarine Co., Memphis, Tenn., to be repacked in compliance with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17437. Adulteration of canned sardines. U. S. v. 265 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23170 to 23174, incl. I. S. Nos. 02223, 02225, 02251, 02252, 02253. S. No. 1278.)

Samples of canned sardines from the shipments herein described having been found to be decomposed, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Georgia.

On October 30, 1928, the United States attorney filed in the District Court of the United States for said district libels praying seizure and condemnation of 709 cases of canned sardines, remaining in the original unbroken packages in