

**17492. Adulteration of oysters. U. S. v. Thomas E. Jones (Thos. E. Jones & Co.). Plea of guilty. Fine, \$4. (F. & D. No. 25017. I. S. Nos. 022120, 022121.)**

Samples of oysters from the herein-described interstate shipments having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On June 6, 1930, the said United States attorney filed in the District Court of the United States aforesaid an information against Thomas E. Jones, trading as Thos. E. Jones & Co., Cambridge, Md., alleging shipment by said defendant in violation of the food and drugs act in two consignments on or about November 14 and November 15, 1929, respectively, from the State of Maryland into the State of Delaware of quantities of oysters which were adulterated. The article was labeled in part: "From Thos. E. Jones & Co. Wholesale Planters, Packers and Shippers of \* \* \* Oysters Cambridge, Maryland."

It was alleged in the information that the article was adulterated in that water had been mixed and marked therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters which the said article purported to be.

On June 6, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$4.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17493. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24747. I. S. No. 027401. S. No. 3107.)**

The dressed poultry from the herein-described interstate shipment having been found to contain emaciated, tubercular, and otherwise diseased birds, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On May 3, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 2 barrels of dressed poultry at Boston, Mass., alleging that the article had been shipped by the Fremont Beverage Co., Fremont, Nebr., on or about April 19, 1930, and transported from the State of Nebraska 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 it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in whole or in part of a portion of an animal unfit for food; and in that it was the product of a diseased animal.

On May 19, 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.*

**17494. Misbranding of butter. U. S. v. 7 Cases of Butter. Product released under bond to be reconditioned. (F. & D. No. 24892. I. S. No. 018571. S. No. 3147.)**

An examination of samples of the print butter from the herein-described interstate shipment having shown that certain prints contained less than the amount labeled, namely, 1 pound, the Secretary of Agriculture reported the facts to the United States attorney for the District of Utah.

On May 19, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 7 cases, each containing 60 pounds of butter, remaining in the original and unbroken packages at Logan, Utah, alleging that the article had been shipped by the Sego Milk Products Co., from Preston, Idaho, on or about May 16, 1930, and had been transported from the State of Idaho into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print wrapper) "Churned especially for Sewell's United Stores, Creamery Butter, 1 Pound Net Weight, Office Salt Lake City, Utah."

It was alleged in the libel that the article was misbranded in that the statement "1 Pound Net Weight" 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, since the statement made was not correct.

The Sego Milk Products Co., Preston, Idaho, appeared as claimant for the property and filed an answer admitting the allegations of the libel and praying permission to repack the product. On May 28, 1930, the claimant having paid costs of the proceedings, and executed a bond in the sum of \$500, conditioned upon compliance with an order of the court, on motion of the United States attorney, a decree was entered ordering release of the product to the claimant to be repacked and reconditioned, under the supervision of this department, so that it conform in all respects to Government regulations.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17495. Adulteration of canned spinach. U. S. v. 750 Cases of Canned Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24729. I. S. No. 029825. S. No. 3082.)**

Samples of the canned spinach from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Michigan.

On April 19, 1930, the United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 750 cases of canned spinach at Detroit, Mich., alleging that the article had been shipped by H. F. Hemingway & Co., from Baltimore, Md., on or about August 11, 1927, and transported from the State of Maryland into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hemingway's Anchor Branch Spinach \* \* \* Distributed by H. F. Hemingway & Co., Baltimore, Md."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On May 12, 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.*

**17496. Adulteration of canned tomatoes. U. S. v. 100 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23145. I. S. No. 02381. S. No. 1245.)**

Samples of canned tomatoes 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 Northern District of Florida.

On October 13, 1928, the United States attorney filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of canned tomatoes, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by Charles B. Silver, from North East, Md., on or about October 15 (October 19), 1925, and transported from the State of Maryland into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Cross Brand \* \* \* Tomatoes Chas. B. Silver, Havre De Grace, Md."

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

On July 25, 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.*

**17497. Adulteration of canned unpeeled pie peaches. U. S. v. 125 Cases, et al., of Canned, Unpeeled Pie Peaches. Default decree of condemnation and destruction. (F. & D. Nos. 24093-24098, incl. I. S. No. 010476. S. No. 2342.)**

Samples of canned unpeeled pie peaches from the herein-described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On September 6, 1929, the United States attorney filed in the District Court of the United States aforesaid libels praying seizure and condemnation of 950 cases of canned unpeeled pie peaches, remaining in the original unbroken packages at Natchez, Miss., alleging that the article had been shipped by the Evans Canning Co., from Fort Valley, Ga., on or about June 29, 1929, and had been transported from the State of Georgia into the State of Missis-