

17731. Adulteration of canned tomatoes. U. S. v. 92 Cases, et al., of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond for salvaging. (F. & D. Nos. 24611, 24696, I. S. Nos. 027651, 029011. S. Nos. 2964, 3026.)

Samples of canned tomatoes from the herein described interstate shipments having been found decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 12 and April 2, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 116 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fairdale Canning Co., from Bridgeton, N. J., on or about February 10, 1930, and had been transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Park & Tilford * * * Tomatoes * * * Park & Tilford Distributors New York."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, in that an examination of samples showed decomposition.

On October 1, 1930, the two libels having been consolidated into one cause of action and the Fairdale Canning Co., Bridgeton, N. J., 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 \$400, conditioned in part that it be held for a period in storage for examination by a representative of this department, and the bad portion, or all, if in the opinion of this department such action be warranted, destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17732. Misbranding of cottonseed cake. U. S. v. 40 Sacks of Cottonseed Cake. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 24576. I. S. No. 037484. S. No. 2900.)

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

On February 28, 1930, 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 sacks of cottonseed cake at Council Bluffs, Iowa, alleging that the article had been shipped by the Cairo Meal & Cake Co., Cairo, Ill., on or about February 9, 1930, and had been transported from the State of Illinois into the State of Iowa, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Miss Cairo Brand Prime Quality Guaranteed Analysis 43 per cent crude Protein not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements on the label, "43 per cent," and "Crude Protein not less than 43 per cent," were false and misleading and deceived and misled the purchaser when applied to a product containing a less amount of protein.

On October 2, 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 sold by the United States marshal, if such sale could be effected, upon notifying purchaser of the true protein content, otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17733. Adulteration of oysters. U. S. v. John T. Handy Co. (Inc.). Plea of guilty. Fine, \$30 and costs. (F. & D. No. 25035. I. S. Nos. 024400, 025684, 012277.)

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 November 6, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against John T. Handy Co. (Inc.), Crisfield, Md., alleging shipment by said company in violation of the food and drugs act in various consignments on or about November 13, 1929, from the State of Maryland into the State of Pennsylvania,