

On October 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 756 boxes of apples, remaining in the original packages at Laredo, Tex., alleging that the article had been shipped by the Wenatchee Produce Co., from Wenatchee, Wash., on or about September 20, 1930, and had been transported from the State of Washington into the State of Texas, 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 contained added poisonous and deleterious ingredients, to wit, arsenic and lead, which ingredients might have rendered it injurious to health.

On or about January 15, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

18103. Adulteration of corn flour and sausage binder flour. U. S. v. 11 Barrels of Corn Flour and 41 Barrels of Sausage Binder Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25232. I. S. No. 17805. S. No. 3517.)

Samples of corn flour and sausage binder flour from the shipment herein described having been found to contain live worms or beetles, or both, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Alabama.

On October 23, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel, and on November 1, 1930, an amendment to the said libel, praying seizure and condemnation of 11 barrels of corn flour and 41 barrels of sausage binder flour, remaining in the original unbroken packages at Birmingham, Ala., alleging that the articles had been shipped by the Griffith Laboratories, Chicago, Ill., from Omaha, Nebr., on or about April 1, 1930, and had been transported from the State of Nebraska into the State of Alabama, and charging adulteration in violation of the food and drugs act. The articles were labeled in part, "Griffith Process Sausage Flour Griffith Laboratories Chicago," and "Griffith Sausage Special Binder Flour," respectively.

It was alleged in the libel that the articles were adulterated in that they consisted in part of filthy vegetable substances, since an examination showed the presence of live worms and beetles.

On January 20, 1931, 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.*

18104. Misbranding of olive oil. U. S. v. 24 One-Fourth Gallon Cans, et al., of Olive Oil. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 25462. I. S. Nos. 9955, 9956. S. No. 3710.)

Samples of olive oil from the shipments herein described having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Iowa.

On December 12, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 one-fourth gallon cans and 28 half-gallon cans of olive oil, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by Mallars & Co., Chicago, Ill., August 14, 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 as amended. The article was labeled in part: (Cans) "Athlete Brand Pure Olive Oil ¼ Gallon [or "½ Gallon"] Mallars & Company Chicago."

It was alleged in the libel that the article was misbranded in that the statements, "One-Fourth Gallon" and "One-Half Gallon," borne on the label, were 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 quantity stated was incorrect.

On April 9, 1931, 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. It was further ordered by the court that the sale be conditioned upon the disposal of the product

in compliance with the law, particularly the Federal food and drugs act, and if not so sold that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18105. Adulteration and misbranding of oysters. U. S. v. 23 Cans of Oysters. Default decree of destruction entered. (F. & D. No. 25387. I. S. No. 13446. S. No. 3679.)

Samples of oysters from the shipment herein described having been found to be decomposed and short in volume, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Kentucky.

On November 28, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 cans of oysters, remaining in the original packages at Maysville, Ky., consigned November 20, 1930, alleging that the article had been shipped by the Castle Packing Co., Baltimore, Md., and had been transported from the State of Maryland into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Extra Selects Castle Packing Co. * * * Baltimore, Md. One Gallon."

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

Misbranding was alleged for the reason that the statement on the label, "One Gallon," 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 incorrect.

On April 6, 1931, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18106. Adulteration of canned sardines. U. S. v. 307 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24174. I. S. Nos. 014952, 014954. S. No. 2413.)

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

On October 22, and on or about December 9, 1929, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 325 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Brawn Co., Portland, Me., on or about October 20, 1929, and had been transported from the State of Maine into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Commercial Brand American Sardines * * * Packed by The Brawn Co., Portland, Me., U. S. A."

It was alleged in the libels that the article was adulterated in that it was in process of decomposition.

On June 10, 1930, and January 27, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18107. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25048. I. S. No. 6310. S. No. 3300.)

Samples of butter from the shipment herein described having been found to be deficient in milk fat, in that it contained less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Louisiana.

On or about July 17, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Winona Creamery Co., Winona, Miss., on or about July 10, 1930, and had been transported from the State of Mississippi into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs