

It was alleged in the libel that the article was misbranded in that the statement "1 lb. net," appearing on the cans containing the article, was false and misleading and deceived and misled the purchaser when applied to a product shipped in cans containing a less amount. 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 said packages, since the statement made was not correct, the cans containing less than the quantity stated.

On March 6, 1931, the court having found that the product was spoiled and unfit for food, and no claimant having appeared, judgment was entered ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18118. Adulteration of canned salmon. U. S. v. 154 Cases of Red Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 25671. I. S. No. 11202. S. No. 3963.)

Samples of canned salmon from the shipment herein described having been found to be stale and tainted, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On January 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 154 cases of red salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Douglas Island Packing Co., from Douglas, Alaska, arriving at Seattle on September 15, 1930, and had been transported from Alaska into the State of Washington, 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.

On March 12, 1931, the West Sales (Inc.), Seattle, Wash., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product be delivered to the said claimant to be reconditioned under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it should not be sold, or disposed of contrary to law. It was further provided in the decree that the portion found to be fit for human consumption be released and the remainder disposed of according to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18119. Adulteration of canned blueberries. U. S. v. 18 Cases, et al., of Canned Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25843, 25844. I. S. Nos. 5247, 5248, 5249, 5250. S. No. 4054.)

Samples of canned blueberries from the shipments herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On January 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 168 cases of canned blueberries, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the A. & R. Loggie Co. (Ltd.), Columbia Falls, Me., alleging that the article had been shipped from Columbia Falls, Me., on or about August 16, 1930, and had been transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries Packed at Columbia Falls Maine by A. & R. Loggie Co., Limited of Loggieville, N. B."

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.

On March 26, 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.*

18120. Adulteration of dried peaches. U. S. v. 185 Boxes of Dried Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25874. I. S. No. 12845. S. No. 4011.)

Samples of dried peaches from the shipment herein described having been found to be dirty and insect-infested, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On February 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 185 boxes, more or less, of dried peaches, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the California Prune & Apricot Growers' Association, San Jose, Calif., on or about January 10, 1931, and had been transported from the State of California into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Okeh Brand California Fancy Peaches."

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 March 31, 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.*

18121. Adulteration of tomato catsup. U. S. v. 35 Cases of Tomato Catsup. Default decree of condemnation. Product released under bond. (F. & D. No. 25918. I. S. Nos. 8896, 28127. S. No. 4063.)

Samples of tomato catsup 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 Western District of Pennsylvania.

On February 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cases of tomato catsup in part at Charleroi, Pa., and in part at Uniontown, Pa., alleging that the article had been shipped on or about October 6, 1930, by the Frazier Packing Co., from Elwood, Ind., to Charleroi and Uniontown, Pa., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Fox Brand Tomato Catsup."

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

On March 31, 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.*

18122. Adulteration of dressed poultry. U. S. v. 99 Barrels of Dressed Poultry. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26078. I. S. No. 20270. S. No. 4403.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed, emaciated, and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 99 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Chicago Cold Storage Warehouse Co., from Chicago, Ill., on or about February 14, 1931, and had been transported from the State of Illinois into the State of New York, 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 part of portions of animals unfit for food; and in that it was the product of diseased animals.

On May 1, 1931, Larry Fox (Inc.), New York, N. Y., 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 \$3,000, conditioned in part that it be salvaged by separating from the article the portion unfit for human consumption, so that the portion remaining should comply with the requirements of the Federal food and drugs act, and that the unfit poultry be destroyed or denatured to prevent its use in food, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*