

the food and drugs act. The article was labeled in part: "Morning Glory Brand Evaporated Apples Packed by Claypool and Hazel, Springdale, Arkansas."

It was alleged in the libel that the article was adulterated in that insufficiently evaporated apples had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that the article consisted in part of a filthy and putrid vegetable substance.

On April 24, 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.*

**18272. U. S. v. 980 Cases of Pink Salmon. Portion of product released. Remainder ordered condemned and destroyed.** (F. & D. No. 25175. I. S. Nos. 10891, 10892, 10893, 10894, 10895. S. No. 3441.)

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

On October 4, 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 980 cases of pink salmon, remaining in the original unbroken packages at Liberal, Kans., alleging that the article had been shipped by the West Sales Co. (Inc.), from Seattle, Wash., on or about August 28, 1930, and had been transported from the State of Washington into the State of Kansas, and charging adulteration in violation of the food and drugs act. The article was labeled in part, "Live Wire Brand Alaska Pink Salmon \* \* \* Distributed by West Sales Co., Seattle, U. S. A.," and consisted of several different lots identified by various code markings.

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, namely, tainted and stale fish.

On January 29, 1931, the J. E. George Grocery Co., Liberal, Kans., having appeared as claimant for the property, a decree was entered ordering that unobjectionable portions of the product, identified by certain codes, be released to the claimant. On March 12, 1931, a decree was entered by the court ordering that portions of the product not theretofore released be condemned and destroyed by the United States marshal, and that the remainder, having been found to be unobjectionable, be released.

ARTHUR M. HYDE, *Secretary of Agriculture*

**18273. Alleged adulteration of oysters. U. S. v. 90 Gallons, et al., of Oysters. Case dismissed by the court.** (F. & D. No. 25565. I. S. Nos. 2094, 2095. S. No. 3861.)

Samples of oysters from the shipment herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On December 26, 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 90 gallons of uncultured oysters and 24 gallons of select oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Oyster Bay Oyster Co., from Oyster Bay, Long Island, N. Y., on or about December 15, 1930, and had been transported from the State of New York into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Oyster Bay Oyster Co. Oyster Bay L. I."

It was alleged in the libel that the article was adulterated in that excessive water had been mixed and packed with and substituted in part for oysters which the article purported to be.

The Oyster Bay Oyster Co., Oyster Bay, N. Y., claimant, filed a motion to dismiss the libel, which motion was argued by counsel, the claimant contending that the product had become spoiled and worthless and that the case presented a moot question only, and the Government contending that the case should be decided on the question of the alleged adulteration of the product as charged in the libel. On May 20, 1931, the court having sustained claimant's contentions, an order was entered dismissing the libel.

ARTHUR M. HYDE, *Secretary of Agriculture.*