

payment of costs and the execution of a bond in the sum of \$750, conditioned in part that it be not sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act or other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18294. Adulteration of canned prunes. U. S. v. 28 Cases of Canned Prunes. Consent decree of destruction entered. (F. & D. No. 25957. I. S. No. 23993. S. No. 4216.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Oklahoma.

On February 26, 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 28 cases of canned prunes at Tulsa, Okla., alleging that the article had been shipped by Hunt Bros. Packing Co., Salem, Oreg., on or about December (11), 1930, and had been transported from the State of Oregon into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Premio Brand Italian Prunes Packed by Hunt Brothers Packing Co., San Francisco, Calif."

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

On April 30, 1931, the Hunt Brothers Packing Co., San Francisco, Calif., and the Hale-Halsell Grocery Co., Tulsa, Okla., having each entered an appearance and having consented to the confiscation and destruction of the product, judgment was entered by the court ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18295. Misbranding of caviar. U. S. v. 9 Dozen Jars, et al., of Caviar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25982. I. S. Nos. 27865, 27866, 27867. S. No. 4239.)

Samples of caviar from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 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 45 dozen jars of caviar, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Rafco (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about February 17, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was contained in jars of 3 different sizes, labeled in part, respectively: "Imperial Sturgeon Sandwich Net Wt. 4 Oz.;" "Imported Net Wt. Two Ozs.;" "Imported Net wt. One Oz." All jars were further labeled: "Caviar Russe Orloff Genuine Russian Caviar Cie Orloff New York-Astrakhan-London-Paris-Conple. Genuine Russian Whole Grain Caviar."

It was alleged in the libel that the article was misbranded in that the statements, "Net Wt. 4 Oz.," "Net Wt. Two Ozs.," and "Net Wt. One Oz.," were false and misleading and deceived and misled the purchaser when applied to the article. 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 statements made were not correct.

On March 21, 1931, the Cooper Supply Co., Philadelphia, Pa., having appeared as claimant for the property, 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 \$100, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18296. Adulteration of canned frozen eggs. U. S. v. 311 Cans of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26071. I. S. No. 26420. S. No. 4401.)

Samples of canned frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.