

On or about August 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 600 bags of cottonseed meal, remaining in the original unbroken packages at Manhattan, Kans., alleging that the article had been shipped by the Honey Grove Cotton Oil Co., from Honey Grove, Tex., on or about July 31, 1931, and had been transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was misbranded in that the bags contained no mark, brand, or label showing the net weight of the article contained therein.

On September 4, 1931, the D. O. Coe Seed & Grain Co., Topeka, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$1,000, conditioned in part that it be labeled to show the correct weight, and should not be sold or offered for sale in violation of law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18777. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Canned Oysters. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 26801. I. S. No. 11166. S. No. 4952.)

Samples of canned oysters from the shipment herein described having been found to contain excessive brine and less oyster meat than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 22, 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 100 cases of canned oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the (Anticich) Packing Co. (Inc.), from Biloxi, Miss., on or about May 27, 1931, and had been transported from the State of Mississippi into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case and can) "American Beauty Oysters Packed by Anticich Packing Company, Inc., Biloxi, Miss. Net Contents 5 Ounces Oyster Meat."

It was alleged in the libel that the article was adulterated in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for normal oysters of good commercial quality.

Misbranding was alleged for the reason that the statements, "Oysters" and "Net Contents, 5 Ounces Oyster Meat," 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 10, 1931, L. M. Keen, Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation 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 \$300, conditioned in part that it be relabeled and should not be sold or otherwise disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18778. Adulteration and misbranding of canned grapefruit juice. U. S. v. 22 Cases of Canned Grapefruit Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26712. I. S. No. 22821. S. No. 4849.)

Examination of samples of canned grapefruit juice showed that the article contained undeclared added sugar; also that the statement of the quantity of the contents borne on the label was not made in terms of liquid measure.

On June 26, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the arti-

cle had been shipped by the Florida Grapefruit Canning Co., from Bradenton, Fla., on or about February 11, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Floriana Brand Fancy Florida Grapefruit Juice Contents 1 Lb. 4 Oz. Packed by Florida Grapefruit Canning Company, Inc., Bradenton, Fla." It was alleged in the libel that the article was adulterated in that added sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Grapefruit Juice," was false and misleading and deceived and misled the purchaser when applied to an article containing undeclared added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the declaration was not made in terms of fluid ounces.

On July 28, 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.*

18779. Adulteration of tullibeas. U. S. v. 68 Cases of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26740. I. S. No. 30791. S. No. 4889.)

Samples of tullibeas from the import shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On July 2, 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 68 cases of tullibeas, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about December 8, 1930, by the Armstrong Gimle Fisheries, from Winnipeg, Manitoba, Canada, into the State of Pennsylvania, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted of a portion of an animal unfit for food, and in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 22, 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.*

18780. Adulteration of tullibeas. U. S. v. 177 Cases of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26715. I. S. No. 30778. S. No. 4865.)

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On June 25, 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 177 cases of tullibeas, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been imported into the United States from Canada, having been shipped by the Royal Bank of Canada from Riverton, Manitoba, on or about January 15, 1931, and that it was adulterated 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, and putrid animal substance, and in that it was a portion of an animal unfit for food.

On July 15, 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.*

18781. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of destruction entered. (F. & D. No. 26785. I. S. Nos. 36272, 36273. S. No. 4908.)

Samples of herring from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.