

by the Ocean Park Packing Co., from Ocean Park, Wash., on or about April 24, 1931, and had been transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Ocean Park Brand Willapa Bay-Minced Clams."

It was alleged in the libel that the article was adulterated in that brine and clam nectar had been substituted in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the statement "Minced Clams," borne on the label, was false and misleading and deceived and mislead the purchaser when applied to a product containing excessive brine.

On October 5, 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.*

18868. Adulteration and misbranding of beef scrap. U. S. v. William J. Smith and Thomas J. Smith (Enterprise Tallow & Grease Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 26572. I. S. Nos. 011078, 011081, 011082, 011083.)

Examination of samples of beef scrap from the shipments herein described having shown that the article contained less protein than declared on the labels, also that portions consisted of meat and bone scrap containing more phosphoric acid than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On August 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William J. Smith and Thomas J. Smith, copartners, trading as Enterprise Tallow & Grease Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the food and drugs act, from the State of Pennsylvania into the State of Maryland, in various consignments, on or about January 15, April 10, April 21, April 25, and April 30, 1930, of quantities of beef scrap and ground beef scrap, which were misbranded, and a portion of which was adulterated. A portion of the article was labeled in part: "Enterprise's Del-Mar-Va Ground Beef Scrap For Poultry Protein Min. 55% [or "50%"] * * * Phos. Acid Max 10%, Manufactured by Enterprise Tallow & Grease Co. Philadelphia, Pa." The remainder of the said article was labeled in part: "50% Enterprise Beef Scrap Analysis Protein Min. 50% * * * Manufactured by Enterprise Tallow & Grease Co. Philadelphia, Pa."

Adulteration was alleged in the information with respect to portions of the article for the reason that a product composed in large part of meat and bone scrap, which was deficient in protein and which contained excessive phosphoric acid, had been substituted for beef scrap, or ground beef scrap, which the article purported to be.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Protein Min. 55%," borne on the label, was false and misleading in that the said statement represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it did contain less protein than declared, namely, not more than 48.88 per cent of protein. Misbranding was alleged with respect to the remainder of the said article for the reason that the statements, "Beef Scrap," or "Ground Beef Scrap," as the case might be, and "Protein, Min. 50% * * * Phos. Acid, Max. 10%," borne on the labels, were false and misleading in that the said statements represented that the article was beef scrap, or ground beef scrap, and contained not less than 50 per cent of protein and not more than 10 per cent of phosphoric acid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was beef scrap, or ground beef scrap, and contained not less than 50 per cent of protein and not more than 10 per cent of phosphoric acid; whereas the said article was not beef scrap or ground beef scrap, but was a product composed in large part of bone and meat scrap, it contained less protein than declared on the label, the various consignments containing not more than 48.82 per cent, 46.04 per cent, and 47.01 per cent respectively of protein, and it contained more phosphoric acid than declared, the three consignments containing not less than 10.5 per cent, 11 per cent and 11.7 per cent, respectively, of phosphoric acid. Misbranding

was alleged with respect to the said portion of the article for the further reason that it was a product composed in large part of meat and bone scrap, deficient in protein, and containing excessive phosphoric acid, prepared in imitation of beef scrap or ground beef scrap, and was offered for sale and sold under the distinctive name of another article.

On September 29, 1931, pleas of guilty to the information were entered on behalf of the defendant company, and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18869. Adulteration of herring. U. S. v. 100 Pounds, et al., of Herring (Bluefins). Default decrees of destruction. (F. & D. Nos. 27010, 27011. I. S. Nos. 40947, 40946. S. Nos. 5230, 5231.)

The herring (bluefins) involved in 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 Southern District of Ohio.

On September 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 200 pounds of herring, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by Sam Johnson & Sons, Duluth, Minn., on or about September 22, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

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 animal substance, and in that it consisted of a portion of an animal unfit for food.

On October 7, 1931, no claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, decrees were entered, nunc pro tunc as of September 28, 1931, ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18870. Adulteration of herring. U. S. v. 200 Pounds of Herring (Bluefins). Default decree of destruction entered. (F. & D. No. 27022. I. S. No. 25045. S. No. 5240.)

The herring (bluefins) involved in 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.

On October 1, 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 200 pounds of herring, remaining in the original unbroken packages at Cincinnati, Ohio, alleging that the article had been shipped by the Sam Johnson & Sons Fisheries, Duluth, Minn., on or about September 24, 1931, and had been transported from the State of Minnesota into the State of Ohio, 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, and in that it was a portion of an animal unfit for food.

No claimant having appeared for the property, and the court having found that the product was spoiled and unfit for human consumption, a decree was entered nunc pro tunc as of October 2, 1931, ordering that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18871. Adulteration of canned frozen eggs. U. S. v. 650 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 26950. I. S. No. 36889. S. No. 5166.)

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 Eastern District of Louisiana.

On September 8, 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 650 cans of frozen eggs, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Morning Glory Creamery Co., Houston, Tex., on or about August 11, 1931, and had been transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Keiths Eggs Koaka Whole Eggs."