

condemnation of a total of 156 cases of canned sardines, alleging that the article had been shipped by Uniao Industrial Lda., from Portimao, Portugal, that it remained unsold in the original unbroken packages at New York, N. Y., and that it was misbranded in violation of the food and drugs act as amended. The article was labeled in part: (Tin) "Portuguese Skinless and Boneless Sardines in Olive Oil Titbit Brand Net Contents 8 Oz. Extra Quality * * * Importe du Portugal Packed in Portugal."

It was alleged in the libels that the article was misbranded in that the statement "Net Contents 8 Oz." was false and misleading and deceived and misled the purchaser, since the tins contained less than 8 ounces. 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 statement made was not correct.

On January 11, 1932, no claimant having appeared, judgment of condemnation and forfeiture was entered against one case of the product and it was ordered by the court that the said case be delivered to a charitable institution. On January 15, 1932, S. Isenberg (Inc.), having appeared as claimant for the remainder of the property, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were 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 bonds totaling \$2,000, conditioned in part that it be relabeled under the supervision of this department with a plain and conspicuous statement of the weight as follows: "Net Weight 7½ Ozs."

ARTHUR M. HYDE, *Secretary of Agriculture.*

19126. Misbranding of canned peas. U. S. v. 500 Cases of Canned Peas. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 27246. I. S. No. 29275. S. No. 5417.)

Examination of samples of canned peas from the shipment herein described having shown that the article fell below the standard promulgated by this department for canned peas, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On November 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 500 cases of canned peas, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Kirby Canning Co., from Trappe, Md., on or about July 20, 1931, and had been transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Pride of the Farm Brand Sifted Early June Peas Thomas Roberts & Co. Philadelphia, Pa. U. S. A. Distributors."

It was alleged in the libel that the article was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since it contained an excessive percentage of hard peas, and its package or label did not bear a plain and conspicuous statement as prescribed indicating that it fell below such standard.

On December 23, 1931, Austin, Nichols & Co. (Inc.), 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 \$500, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or disposed of contrary to law, both State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19127. Adulteration of herring. U. S. v. 8 Boxes of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27862. I. S. No. 44168. S. No. 5734.)

Samples of herring from the shipment herein described having been found to be infested with worms and unfit for food, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 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 eight boxes of herring at Chicago, Ill., alleging that the article

had been shipped by Mike Myers, jr., from Beaver Bay, Minn., on or about December 11, 1931, and had been transported from the State of Minnesota into the State of Illinois 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 part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On January 11, 1932, 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.*

19128. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27838. I. S. No. 42725. S. No. 5803.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 23, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Merchants Creamery Co., Cincinnati, Ohio, on or about January 14, 1932, and had been transported from the State of Ohio 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 a product containing not less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by law.

Frederick F. Lowenfels & Son, agent for the Merchants Creamery Co., Cincinnati, Ohio, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On February 2, 1932, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19129. Adulteration of canned shrimp. U. S. v. 250 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27283. I. S. No. 44820. S. No. 5425.)

Examination of samples of canned shrimp from the shipment herein described having shown that the article contained excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On December 3, 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 250 cases of canned shrimp at Chicago, Ill., alleging that the article had been shipped by Deer Island Fish & Oyster Co., from Biloxi, Miss., on or about September 26, 1931, and had been transported in interstate commerce from the State of Mississippi into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the said article.

On December 18, 1931, Messcher Brokerage Co., 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 for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the food and drugs act, or to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*