

by the Secretary of Agriculture for such canned food, since it contained an excessive amount of tomato peel, an excessive number of blemishes, and was low in drained solids, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that such canned food fell below such standard.

On June 6, 1932, A. W. Sisk & Son, 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 \$1,500, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*

19938. Adulteration and misbranding of canned frozen mixed eggs. U. S. v. 200 Cans, et al., of Frozen Mixed Eggs. Default decree of condemnation and destruction. (F. & D. No. 27208. I. S. Nos. 44984, 44985, 44986, 44987. S. No. 5373.)

This action was based on the interstate shipments of quantities of canned frozen mixed eggs, samples of which were found to be decomposed. The cans containing the article failed to bear a statement on the label of the quantity of the contents.

On November 6, 1931, the United States attorney for the Northern District of Iowa, 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 923 cans of frozen mixed eggs at Sioux City, Iowa, alleging that the article had been transported in interstate commerce from Yankton, S. Dak., in various consignments, on or about August 5, August 21, August 27, and September 14, 1931, respectively, by the Van Osdell Poultry Co., to Sioux City, Iowa, and charging adulteration and misbranding 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 animal substance.

Misbranding was alleged for the reason that the product was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19939. Adulteration and misbranding of canned tuna fish. U. S. v. 24 Cases of Canned Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27935. I. S. No. 43163. S. No. 5987.)

This action involved the interstate shipment of a quantity of canned tuna fish, samples of which were found to be partially decomposed.

On March 22, 1932, the United States attorney for the Eastern District of Pennsylvania, 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 24 cases of canned tuna fish, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about February 20, 1932, by the Halfhill Packing Corporation, from Los Angeles, Calif., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kellogg's Brand Supreme Quality White Meat Tuna Fish * * * H. Kellogg & Sons, Distributors, Philadelphia."

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

Misbranding was alleged for the reason that the statement on the label, "Supreme Quality," was false and misleading and deceived and misled the purchaser.

On June 27, 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.

HENRY A. WALLACE, *Secretary of Agriculture.*