

"Section 304 (b) of the Act requires that the procedure in cases arising under this section 'conform, as nearly as may be, to the procedure in admiralty.' In, *In re Thames Towboat Co.*, 21 F. (2d) 573, (D. C. D. Conn., 1927), a motion was made by one of the parties to remove an admiralty case from the District of Connecticut to the Eastern District of New York. The Court denied this motion and said, '\* \* \* there are no such proceedings in admiralty as motions \* \* \* to remove from one district to another.'

"In the absence of express statutory authority a district court does not have the authority to transfer a case to another district court for trial. See, *Billings Utility Co. v. Federal Reserve Bank*, 40 F. Supp. 309 (D. C. D. Montana, 1941); *Spies v. Chicago E. E. I. R. Co.*, 32 Fed. 713, (S. D. N. Y., 1887); *In re Associated Gas & Electric Co.*, 83 F. (2d) 734 (CCA 2, 1936). United States District Courts have no jurisdiction beyond that granted by Congress. *Applegate v. Applegate*, 39 F. Supp. 887.

"In the Federal Food, Drug and Cosmetic Act Congress has empowered the district courts to remove designated types of libel proceedings to other districts for trial. The present libel proceeding is not among those therein designated as removable. I know of no other statute that authorizes its transfer to another district for trial, and none has been called to my attention.

"For the foregoing reasons, the motion to transfer the above cause is denied."

The C. C. Company having propounded certain interrogatories, and the government having filed objection thereto, the court, on April 4, 1945, sustained one of the interrogatories but allowed those requesting the date and results of analyses, the nature of the tests made by the government, and the percentage of the samples in each code determined to be unfit. The government subsequently filed answers to the propounded interrogatories. On June 19, 1945, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered the release of certain codes found to be fit, and ordered the unfit portions destroyed under the supervision of the Food and Drug Administration.

**8225. Adulteration of frozen shrimp. U. S. v. 120 Cakes of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 16049. Sample No. 4723-H.)**

**LIBEL FILED:** April 20, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 15, 1944, by the Union Fish Co., from Baltimore, Md.

**PRODUCT:** 120 20-pound cakes of frozen shrimp, at Philadelphia, Pa.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** May 15, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES\*

### DRIED FRUIT

**8226. Adulteration of dried apricots. U. S. v. 57 Bags and 65 Bags of Dried Apricots. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 16175, 16219. Sample Nos. 17716-H, 17719-H.)**

**LABELS FILED:** May 23 and 24, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about March 10, 1945, by B. F. McKinney, from San Jose, Calif.

**PRODUCT:** 122 bags, containing a total of 10,558 pounds, of dried apricots at Chicago, Ill.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of dirty, moldy, and decomposed apricots.

**DISPOSITION:** June 7, 1945. Frank Korinek and Joseph Schufeltowski, claimants, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be utilized in the distillation of alcohol, under the supervision of the Food and Drug Administration.

\*See also Nos. 8103-8107, 8283.