

4938. Adulteration of sardines. U. S. * * * v. 955 Cases and 45 Cases of Sardines. Consent decree of condemnation. Portion of product ordered released. Remainder ordered destroyed. (F. & D. No. 7117. I. S. No. 3722-1. S. No. E-497.)

On December 11, 1915, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 955 cases and 45 cases of sardines, remaining unsold in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by L. D. Clark & Son, Eastport, Me., the 955 cases on or about December 1, 1915, and the 45 cases on or about December 6, 1915, and transported from the States of Maine and Massachusetts into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The product in both shipments was labeled: "Banquet Brand American Sardines in Cottonseed Oil. Packed at Eastport, Washington Co., Me., by L. D. Clark & Son. Contents $3\frac{1}{4}$ avoirdupois ozs."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On June 20, 1916, Andrew Clark, trading as L. D. Clark & Son, Eastport, Me., having filed his claim, and a stipulation having been entered into whereby he consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the marshal permit a duly authorized representative of the Department of Agriculture of the United States to make a physical examination of the product, and that such of the product as the said duly authorized representative of the Department of Agriculture should certify to be fit for human consumption should be released and delivered by the marshal to the claimant aforesaid upon payment of all the costs of the proceedings, and that such of the cases of sardines as the said representative of the Department of Agriculture should certify to be unfit for human consumption should be destroyed by the marshal.

R. A. PEARSON, *Acting Secretary of Agriculture.*