

5989. Adulteration and misbranding of bellycut fish. U. S. * * * v. 100 Barrels * * * of Bellycut Fish. Consent decree of condemnation and forfeiture. Good portion ordered released on bond. Unfit portion destroyed. (F. & D. No. 8380. I. S. No. 1603-p. S. No. E-868.)

On July 31, 1917, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 barrels, each containing 250 pounds of bellycut fish, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about July 22, 1917, by the Cape Fish Co., Plymouth, Mass., and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in particular, in whole or in part, of a filthy, decomposed, and putrid animal product, to wit, filthy, decomposed, and putrid fish.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not stated on the outside of the package in terms of weight, measure, or numerical count.

On November 10, 1917, the Louis Meyer Trading Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, after having been sorted, should be inspected under the supervision of a representative of this department, the unfit portion to be destroyed and the good portion to be released to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of \$2,500, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*