

11777. Adulteration and alleged misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17358. I. S. No. 8652-v. S. No. W-1353.)

On March 13, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., December 20, 1922, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maryland Chief Brand Baltimore * * * Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Oysters," appearing in the labeling of the article, was false and misleading and deceived and misled the purchaser.

On May 14, 1923, J. Langrall & Bro., Inc., Baltimore, Md., having appeared through its agent as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered on the ground that the product was adulterated, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the said act under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11778. Adulteration and misbranding of walnut meats. U. S. v. 15 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. Decree entered modifying previous decree to permit release of product under bond to be exported. (F. & D. No. 17488. I. S. No. 8378-v. S. No. W-1378.)

On May 3, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of walnut meats, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by C. E. Discher & Co., Seattle, Wash., March 17, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was invoiced as "Walnut Meat Crumbs."

Adulteration of the article was alleged in the libel for the reason that shell dirt and sticks had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy vegetable substance.

Misbranding of the article was alleged for the reason that it was offered for sale under the distinctive name of another article.

On June 5, 1923, 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. On June 14, 1923, Wadhams & Kerr Bros. having appeared and petitioned for a modification of the said decree, judgment of the court was entered modifying the decree by eliminating the provision requiring destruction of the product, and it was ordered by the court that the product be delivered to Wadhams & Kerr Bros., under bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be reexported to the consignor at Vancouver, B. C.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11779. Adulteration of butter. U. S. v. 35 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17657. I. S. No. 8017-v. S. No. W-1393.)

On July 17, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 35 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Blue Valley Produce Co., from Portland, Oreg., July 7, 1923, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blue Valley Produce Co., Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

On July 27, 1923, the C. H. Sommer Co., San Francisco, Calif., claimant, 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 the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11780. Adulteration and misbranding of red kidney beans. U. S. v. 45 Cases, et al., of Red Kidney Beans. Default decree of condemnation, forfeiture, and destruction with respect to a portion of the product. Consent decrees of condemnation and forfeiture with respect to remainder and product released under bond. (F. & D. Nos. 12236, 12280, 12281. I. S. Nos. 12465-r, 12470-r, 12471-r. S. Nos. C-1818, C-1819, C-1830.)

On March 5 and 10, 1920, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 74 cases of red kidney beans, in part at Marion and in part at Youngstown, Ohio, alleging that the article had been shipped by George Van Camp & Sons Co., Westfield, Ind., in various consignments, namely, on or about September 5, September 13, and October 17, 1919, respectively, and transported from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Acts. The article was labeled in part: "Red Kidney Beans Packed By George Van Camp & Sons Co. Westfield, Ind."

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the label, "Red Kidney Beans," was false and misleading and deceived and misled the purchaser when applied to long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 1, 1922, George Van Camp & Sons Co. having appeared as claimant for 29 cases of the product and having admitted the allegations of the libels, judgments of the court were entered finding the said portion of the article to be misbranded and ordering its condemnation, and it was further ordered that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act. On December 30, 1922, no claimant having appeared for the remaining 45 cases of the product, a decree of the court was entered finding the said portion to be adulterated and misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said portion of the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11781. Misbranding of flu preventive and rheumatism recipe. U. S. v. 80 Cases Containing Flu Preventive and Rheumatism Recipe. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14650. S. No. W-888.)

On March 18, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 cases containing 2 dozen bottles each (mixed indiscriminately) of flu preventive and rheumatism recipe, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been