

bond in the sum of \$500, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant.

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

**12278. Adulteration of scallops. U. S. v. Duffy Wade. Plea of guilty. Judgment that defendant pay costs.** (F. & D. No. 14997. I. S. No. 6634-t.)

On November 24, 1921, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district an information against Duffy Wade, trading at Morehead City, N. C., alleging shipment by said defendant in violation of the food and drugs act on or about March 17, 1921, from the State of North Carolina into the State of New York of a quantity of scallops which were adulterated.

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On April 27, 1922, the defendant entered a plea of guilty to the information, and upon the finding by the court that the defendant did not knowingly adulterate the product and that the product was purchased by the defendant in an adulterated condition, judgment was entered by the court that the defendant pay the costs of the proceedings.

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

**12279. Adulteration and misbranding of color. U. S. v. 1 Can Containing 8 Pounds of Color. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18419. I. S. No. 15379-v. S. No. E-4751.)

On February 27, 1924, the United States attorney for the District of Massachusetts, 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 1 can containing 8 pounds of color, remaining in the original unbroken package at Dedham, Mass., alleging that the article had been shipped by L. Feldman & Co., New York, N. Y., on or about December 21, 1923, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Three Star Brand Color Special Egg Shade \* \* \* L. Feldman & Co., 46 Fulton St., New York."

Adulteration of the article was alleged in the libel for the reason that a substance, salt, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the label affixed to the can containing the article, namely, "All The Colors Herein Contained Have Been Separately Certified To The U. S. Dept. Of Agriculture Under Lot Nos. 4755-4707 Certified Pure Food Colors Three Star Brand Color Special Egg Shade," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1924, 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.

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

**12280. Adulteration and misbranding of color. U. S. v. 2 Cans of Cream Yellow Color. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17428. I. S. No. 118-v. S. No. E-4328.)

On March 28, 1923, the United States attorney for the Northern 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 praying the