

12426. Adulteration of frozen eggs. U. S. v. 1,114 Cases of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 18682. I. S. No. 16022-v. S. No. E-4840.)

On May 13, 1924, the United States attorney for the Eastern District of Pennsylvania, 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 1,114 cases of frozen eggs remaining in the original unbroken packages at Philadelphia, Pa., consigned by Sam Sugars, San Antonio, Texas, alleging that the article had been shipped from San Antonio, Texas, on or about April 28, 1924, and transported from the State of Texas into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

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

On May 29, 1924, the New York Buyers Assoc. having appeared as claimant for the property, 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 \$7,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12427. Misbranding of olives. U. S. v. 2 Cases Queen Olives et al. Product ordered released under bond to be relabeled. (F. & D. No. 18681. I. S. Nos. 12610-v, 12613-v, 12615-v. S. No. E-4833.)

On May 13, 1924, the United States attorney for the District of Maryland, 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 4 cases of olives, remaining in the original unbroken packages at Baltimore, Md., consigned by the F. H. Leggett Co., Landisville, N. J., in various consignments, namely, on or about December 14, 1923, and March 18 and March 21, 1924, respectively, alleging that the article had been shipped from Landisville, N. J., and transported from the State of New Jersey into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: "Queen Olives 9 Oz.," "Stuffed Manzanilla Selected Olives 4 Oz.," "Queen Olives 9 Oz. * * * Stuffed with Peppers."

Misbranding of the article was alleged in the libel for the reason that the statements, "9 Oz." and "4 Oz.," appearing on the respective-sized bottles containing the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 20, 1924, the Jordan Stabler Co., Baltimore, Md., having appeared as claimant for the property and having admitted the material allegations of the libel but having averred that the misbranding was a mistake on the part of the packer, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, and that the product be not disposed of until it had been relabeled to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12428. Misbranding of cottonseed meal. U. S. v. Dallas Oil & Refining Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18090. I. S. Nos. 11384-v, 11389-v.)

On March 17, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dallas Oil & Refining Co., a corporation, Dallas, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about November 9, 1922, and February 21, 1923, respectively, from the State of Texas into the State of New Mexico, of quantities of cottonseed meal which was misbranded. A portion of the article was labeled in part: (Tag) "Texoma Brand Prime Cotton Seed Cake and Meal * * * Guaranteed Analysis Protein, not less than 43%." The remainder of the

said article was labeled in part: (Tag) "Cotton Seed Cake Or Meal Manufactured by Dallas Oil Refining Company Dallas, Texas Guaranteed Analysis Protein 43 per cent."

Analyses of four samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 41.25 per cent, 41.42 per cent, 41.74 per cent, and 41.47 per cent, respectively, of crude protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein, not less than 43%," and "Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing respective portions of the said article, were false and misleading in that they represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein.

On May 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HOWARD M. GORE, *Secretary of Agriculture.*

12429. Adulteration and misbranding of canned salmon. U. S. v. 454 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be used as fish food. (F. & D. No. 16924. I. S. No. 7879-v. S. No. W-1237.)

On or about November 26, 1922, 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 454 cases of salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been consigned by the Warrenton Clam Co., November 23 [November 3], 1922, for interstate shipment from Astoria, Oreg., into the State of Florida, and charging adulteration and misbranding, in violation of the food and drugs act. The article was labeled in part: (Can) "Pagoda" Brand Pink Salmon Packed By Warrenton Clam Co. * * * Oregon."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that filthy, decomposed, and putrid Coho salmon had been substituted for normal pink salmon of good commercial quality.

Misbranding of the article was alleged for the reason that the statement in the label, "Pink Salmon," was false and misleading and deceived and misled the purchaser.

On June 21, 1924, the Warrenton Clam Co., 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 \$1,000, in conformity with section 10 of the act, conditioned in part that it be delivered to the Oregon State Fish Commission for use as fish food.

HOWARD M. GORE, *Secretary of Agriculture.*

12430. Adulteration of shell eggs. U. S. v. David Alexander Fry, John DeWitt Fry, and Eugene David Fry (Fry Produce Co.). Plea of guilty. Fine, \$30. (F. & D. No. 17248. I. S. No. 1104-v.)

On April 2, 1923, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against David Alexander Fry, John DeWitt Fry, and Eugene David Fry, copartners, trading as Fry Produce Co., Greenville, Tenn., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 21, 1922, from the State of Tennessee into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 179, or 12.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

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