

12443. Adulteration of canned salmon. U. S. v. 997 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond to be recanned. (F. & D. No. 18287. I. S. No. 15054-v. S. No. E-4729.)


On February 2, 1924, 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 a libel praying the seizure and condemnation of 997 cases of canned salmon, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by the Beauclaire Packing Co., from Seattle, Wash., October 29, 1923, and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

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

On August 1, 1924, the Beauclaire Packing Co., Seattle, Wash., 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 \$2,500, in conformity with section 10 of the act, conditioned in part that it be salvaged by actual recanning under the supervision of this department, the bad portion destroyed, and the good portion released to the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12444. Misbranding of butter. U. S. v. Alliance Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 18589. I. S. No. 11925-v.)

On June 27, 1924, the United States attorney for the District of Nebraska, 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 Alliance Creamery Co., a corporation, Alliance, Nebr., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 18, 1923, from the State of Nebraska into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Ask For The  Brand Fancy Creamery Butter Alliance Creamery Company.

Alliance, Neb. One Pound Net."

Examination by the Bureau of Chemistry of this department of 250 packages from the consignment showed that the said packages contained an average of 15.71 ounces net of butter.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading in that it represented that each of said packages contained 1 pound net of the said article and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. 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 July 30, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12445. Adulteration of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18861. I. S. No. 18987-v. S. No. C-4435.)

On July 15, 1924, the United States attorney for the Northern District of Illinois, 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 36 tubs of butter at Chicago, Ill., alleging that the article had been shipped by the Farm B. C. Assoc. from Westfield, Wis., July 7, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

On July 18, 1924, the Lenters-Stenger Co., Chicago, Ill., claimant, having admitted the allegations of the libel and 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 reprocessed under the supervision of this department to contain not less than 80 per cent of milk fat and not more than 16 per cent of water.

HOWARD M. GORE, *Secretary of Agriculture.*

12446. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18816. I. S. No. 13276-v. S. No. E-4874.)

On July 10, 1924, 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 praying the seizure and condemnation of 40 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hazel Green Creamery Co. from Ryan, Iowa, June 10, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been in part abstracted from the article.

On July 22, 1924, the Hazel Green Creamery Co., Delhi, Iowa, claimant, having admitted the allegations of the libel and 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 good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12447. Adulteration and misbranding of Madagascar Lima beans. U. S. v. 23 Bags of Madagascar Lima Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18298. I. S. No. 9311-v. S. No. C-4278.)

On or about February 14, 1924, the United States attorney for the District of Kansas, 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 23 bags of Madagascar Lima beans remaining in the original unbroken packages at Concordia, Kans., alleging that the article had been shipped by N. Abramovitz & Co., New York, N. Y., on or about November 7, 1923, and transported from the State of New York into the State of Kansas, 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 whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the article was food in package form and the contents was not plainly and conspicuously marked on the outside of the package.

During the month of June, 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, *Secretary of Agriculture.*