

13614. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. 20241. I. S. No. 14209-v. S. No. E-5367.)

On July 1, 1925, 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 15 tubs of butter, shipped by the Arthur Simmons Co., St. Paul, Minn., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Minneapolis, Minn., on or about June 20, 1925, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

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

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

On July 24, 1925, the Samels Bros. Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and 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 \$750, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13615. Adulteration and misbranding of canned oysters. U. S. v. 331 Cases of Canned Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20057. I. S. No. 14449-v. S. No. W-1705.)

On May 1, 1925, the United States attorney for the Western District of Washington, 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 331 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dorgan-McPhillips Sales Co., from Mobile, Ala., March 18, 1925, and transported from the State of Alabama into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Oysters Net Oyster Meat 5 Ounces."

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

Misbranding was alleged for the reason that the designation "Net Oyster Meat 5 Ounces" was false and misleading and deceived and misled the purchaser, and in that it 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 4, 1925, the National Grocery Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the filing of a good and sufficient bond or a certified check to insure the reconditioning and relabeling of the product under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13616. Adulteration of canned minced clams. U. S. v. 20 Cases of Minced Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18937. I. S. No. 7775-v. S. No. W-1568.)

On September 2, 1924, the United States attorney for the Western District of Washington, 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 20 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Chisick Island Corp., from Snug Harbor, Alaska, (August 9, 1924), and

transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Far-North Ocean Clams (Minced) 10 Oz. Net Contents Packed by Polar Fisheries Co. Alaska Main Office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine or liquor, had been mixed and packed with and substituted wholly or in part for the said article.

On May 14, 1925, the Small & Hall Corp., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned and relabeled under the supervision of this department, upon the execution of a bond or filing a certified check in the sum of \$150, to insure compliance with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13617. Adulteration of canned salmon. U. S. v. Hetta Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 18743. I. S. No. 12069-v.)

On April 9, 1925, the United States attorney for the Western District of Washington, 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 Hetta Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 28, 1923, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of a sample of 288 cans showed that 105 cans, or 36.4 per cent, contained decomposed salmon.

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

On June 1, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13618. Adulteration of canned salmon. U. S. v. John F. Tennyson. Plea of guilty. Fine, \$100. (F. & D. No. 19586. I. S. No. 20232-v.)

On April 9, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Tennyson, Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of 96 cans of the article showed that 6 cans contained tainted fish and 24 cans contained stale fish.

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

On June 1, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13619. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, \$250. (F. & D. No. 19274. I. S. Nos. 5861-v, 6118-v, 6120-v, 6252-v, 9780-v.)

On May 28, 1925, the United States attorney for the Western District of Washington, 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 Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, under the name of the Kelley-Clarke Co., Seattle, Wash., in violation of the food and drugs act, in various consignments, namely, on or about October 12 and 14 and November 9, 1922, respectively, from the State of Washington into the State of Texas, and on or about December 8, 1922, from the State of Washington into the State of Alabama, of quantities of salmon which was adulterated. The article was labeled in part, variously: