

**13903. Adulteration and misbranding of canned tuna fish. U. S. v. 25 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19974, 19975. I. S. Nos. 14748-v, 14749-v. S. No. C-4704.)

On April 6, 1925, the United States attorney for the Eastern District of Kentucky, 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 25 cases of tuna fish, at Lexington, Ky., alleging that the article had been shipped by the M. DeBruyn Importing Co., New York, N. Y., in two consignments, namely, on or about December 24, 1924, and February 18, 1925, respectively, and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Selected Quality \* \* \* Juanita Brand California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that the meat from yellowtail fish had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for tuna fish in such manner that its inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Selected Quality Net Contents 7 Ounces Juanita Brand California Tuna Standard All Light Meat," was false and misleading and deceived the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tuna fish.

On October 19, 1925, 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.

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

**13904. Adulteration of canned blackberries. U. S. v. 50 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20632. I. S. No. 262-x. S. No. E-5579.)

On November 20, 1925, 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 50 cases of canned blackberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hunt Bros. Packing Co., from San Francisco, Calif., on or about October 12, 1925, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Premio Brand Blackberries \* \* \* Packed By Hunt Brothers Packing Co. San Francisco, California, U. S. A."

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

On December 8, 1925, 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.

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

**13905. Adulteration of shelled chestnuts. U. S. v. 108 Bags of Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20552. I. S. No. 8054-x. S. No. E-5536.)

On November 5, 1925, 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 108 bags of shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Musolino & Berger, from Boston, Mass., on or about February 2, 1925, and transported from the State of Massachusetts 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 it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On November 24, 1925, Thomas Pipitone, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a