

Misbranding was alleged for the reason that the statements regarding the contents of the said cans, borne on the labels, namely, "Contents 5 Oz.," "This Can Contains 5 Oz. Oyster Meat," "Net Weight Oyster Meat 5 Oz.," as the case might be, were false and misleading and deceived and misled the purchaser, and 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 November 16 and 18, 1925, R. L. Craig & Co., H. G. Chaffee Co., Walker Grocery Co., Daley's Inc., Simpson-Ashby Co., and E. A. Morrison, Inc., all of Los Angeles, Calif., having appeared as claimants for respective portions of the product and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$11,342, in conformity with section 10 of the act, said bonds providing that the product be relabeled and reconditioned in accordance with law and in a manner satisfactory to this department.

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

**14046. Adulteration of frozen eggs. U. S. v. 950 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20776. I. S. No. 6184-x. S. No. E-5617.)**

On January 18, 1926, 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 950 cans of frozen eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Western Cold Storage Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about December 24, 1925, and transported from the State of Illinois into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs 30 pounds net weight Licensed Breaker No. 11 Rothenberg & Somerman, Chicago, Ill."

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 January 25, 1926, I. Walter Bickley, Philadelphia, Pa., 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 \$5,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the portion unfit for food be destroyed or denatured.

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

**14047. Adulteration and misbranding of butter. U. S. v. 12 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20731. I. S. No. 1063-x. S. No. W-1828.)**

On or about December 3, 1925, the United States attorney for the Northern District of California, 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 12 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Capital City Cooperative Creamery, from Salem, Oreg., November 24, 1925, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "From Capital City Cooperative Creamery M'rs Of Buttercup Butter \* \* \* Salem, Oregon."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article.

Misbranding was alleged for the 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 January 15, 1926, the Wilsey-Bennett Co., San Francisco, Calif., having appeared as claimant for the property 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 \$500, conditioned in part that it be made to conform with the provisions of the law under the direction of and to the satisfaction of this department.

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

**4048. Adulteration of dried chestnuts. U. S. v. 652 Bags of Dried Chestnuts. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20730. I. S. No. 7094-x. S. No. E-5557.)

On December 23, 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 652 bags of dried chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Ved. di Cesare Morini, from Cuneo, Italy, on or about January 1 and 26, 1925, and transported from a foreign country 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 January 23, 1926, Scaramelli & Co., Inc., New York, N. Y., 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 destroyed by the United States marshal and that the claimant pay the costs of the proceedings.

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

**4049. Adulteration of canned salmon. U. S. v. 47 Cases and 99 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16781, 16782. I. S. Nos. 4393-v, 4394-v. S. Nos. C-3785, C-3786.)

On August 28, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 146 cases of salmon, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Northwestern Fisheries Co., Seattle, Wash., on or about May 18, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Auto Brand Pink Salmon \* \* \* Packed By Anacortes Fisheries Co., Seattle, U. S. A."

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

On November 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**4050. Adulteration of canned sardines. U. S. v. 118 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20445. I. S. No. 3913-x. S. No. C-5028.)

On September 18, 1925, the United States attorney for the Eastern District of Louisiana, 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 118 cases of sardines, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Maine Cooperative Sardine Co., Eastport, Me., on or about July 25, 1925, and transported from the State of Maine into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Possum Brand Maine Sardines In Cottonseed Oil Packed By Seacoast Canning Co. Eastport, Me."

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

On October 29, 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.*