

"Then there were some samples taken—a very small number too—56 oranges were taken on behalf of the owner of the shipment. Those were taken by Mr. Nevins, who was more or less interested—he said not greatly interested—but representing the owners of the oranges—they certainly did have more or less commercial interest. On those the gentlemen in the fruit business said they found them fit for commercial shipment in general.

"At the eleventh hour Mr. Steinbauer comes in, and knows more about it than anybody who has testified. He is a Government inspector. He went over 800 of these oranges, taking ten half-boxes, and going right through each half-box. I think that is altogether the best evidence there is as to the character of this shipment. If you take his statement, the boxes differ very much. Some were certainly good, and some ran pretty bad. But I don't think that on his testimony the shipment itself is so defective that you can say that the car-load as a whole is subject to forfeiture, and on that ground I dismiss the information.

"And I find it unnecessary to pass upon the question of law; but I should perhaps say that I am glad I do not have to pass upon that question, because I think it extremely doubtful whether that statute in fact gives the Department authority to forfeit for a defect of this sort. It is a matter in which as one of the public my sympathy is with Dr. Adams and his officials, but I think the word 'decomposed' is a word that is hardly met by a change in condition caused by frost bites; but there is however an opportunity for a difference of opinion on that, because undoubtedly the chemical contents of the oranges change by frost bite. But that I find it unnecessary to decide."

W. M. JARDINE, *Secretary of Agriculture.*

**15200. Adulteration of oysters. U. S. v. James W. Nelson and Sherwood L. Ford (Ford Oyster & Crab Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 21607. I. S. No. 11782-x.)**

On June 1, 1927, 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 an information against James W. Nelson and Sherwood L. Ford, copartners, trading as the Ford Oyster & Crab Co., Crisfield, Md., alleging shipment by said defendants, in violation of the food and drugs act, on or about March 3, 1927, from the State of Maryland into the State of Pennsylvania, of a quantity of oysters which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, in that a substance, to wit, water, had been substituted in part for oysters, which the article purported to be, and in that a valuable constituent, oyster solids, had been in part abstracted from the said article.

On June 17, 1927, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15201-15250

Approved by the Secretary of Agriculture, Washington, D. C., December 14, 1927]

**201. Adulteration of canned stringless beans. U. S. v. 200 Cases of Canned Stringless Beans, and 185 Cases of String Beans. Default decrees of condemnation, forfeiture, and destruction entered.** (F. & D. Nos. 20646, 20651. I. S. Nos. 4245-x, 4247-x. S. Nos. C-4877, C-4881.)

On November 24, 1925, the United States attorney for the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 200 cases of canned stringless beans, and 185 cases of string beans, remaining in the original unbroken packages at Altus and Clinton, Oklahoma, respectively, consigned by the Litteral Canning Co., Fayetteville, Ark., alleging that the article had been shipped from Fayetteville, Ark., in part on or about September 15, 1925, and in part on or about September 23, 1925, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Licano (or "Our Favorite Brand") Cut Stringless Beans \* \* \* Packed by Litteral Canning Company, Fayetteville, Ark." It was alleged in the libels that the article was adulterated, in that it contained in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 17, and October 18, 1926, respectively, 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.

W. M. JARDINE, *Secretary of Agriculture.*

**202. Adulteration of canned string beans. U. S. v. 145 Cases of Canned String Beans. Default decree of forfeiture and destruction entered.** (F. & D. No. 20647. I. S. No. 4246-x. S. No. C-4878.)

On November 24, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 145 cases of canned string beans, remaining in the original unbroken packages at Frederick, Okla., consigned by Appleby Bros., Fayetteville, Ark., alleging that the article had been shipped from Fayetteville, Ark., on or about September 23, 1925, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled, in part: "Zat Zit Brand Cut String Beans \* \* \* Packed by Appleby Bros., Fayetteville, Ark."

It was alleged in the libel that the article was adulterated, in that it contained in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 18, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*