

condemnation of 681 barrels of frozen poultry at Jersey City, N. J., alleging that the article had been shipped by Cromer & Cossitt (Inc.), Chicago, Ill., between the dates of February 1, 1928, and February 20, 1928, and transported from the State of Illinois into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 29 and October 17, 1928, respectively, the Silz Packing Co. (Inc.), a New Jersey corporation, claimant, having admitted the allegations of the libel, modified to the extent, however, that some part or portion of the goods might be fit for human consumption, and having 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 claimant upon payment of costs and the execution of bonds totaling \$17,100, or the deposit of collateral in like amount, conditioned in part that it be salvaged and the portion unfit for human consumption be destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16096. Adulteration of dressed poultry. U. S. v. 1 Barrel of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23177. I. S. No. 03061. S. No. 1282.)

On November 7, 1928, 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 seizure and condemnation of 1 barrel of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hurst & Majors, from Manhattan, Kans., on or about October 17, 1928, and transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On November 24, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16097. Adulteration of apples. U. S. v. 1 Carload of Apples. Decree of condemnation entered. Product released under bond. (F. & D. No. 23144. I. S. No. 0479. S. No. 1244.)

On October 15, 1928, the United States attorney for the Northern District of Texas, 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 1 carload of apples at Clarendon, Tex., alleging that the article had been shipped by Engel & McDonald, from Canon City, Colo., on or about October 8, 1928, and transported from the State of Colorado into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous substances, to wit, lead and arsenic, which might have rendered it injurious to health and unfit for human consumption.

On October 19, 1928, Phil Engel and William C. McDonald, trading as Engel & McDonald, having appeared as claimants for the property and having admitted the allegations of the libel and filed a bond in the sum of \$500, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimants, and that it be segregated and cleaned under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16098. Misbranding of tomato catsup. U. S. v. 200 Cases of Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22907. I. S. No. 013757. S. No. 979.)

On July 28, 1928, the United States attorney for the Southern District of Ohio, 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 200 cases of catsup, remaining in the original unbroken packages

at Dayton, Ohio, alleging that the article had been shipped by the Morgan Packing Co., from Austin Ind., June 26, 1928, and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "General Jackson Brand Tomato Catsup, Morgan Packing Company, Austin, Indiana."

It was alleged in substance in the libel that the article contained artificial coloring matter, and was misbranded in that the designation "Tomato Catsup" was false and misleading and deceived and misled the purchaser when applied to an artificially colored article.

On November 26, 1928, the Morgan Packing Co., Austin, Ind., 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 costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department to indicate the presence of artificial coloring.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16099. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23018. I. S. No. 03004. S. No. 1072.)

On August 28, 1928, 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 seizure and condemnation of 1 barrel of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by E. L. McKinley, from Piqua, Ohio, on or about August 3, 1928, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a portion of an animal unfit for food and in that it was the product of a diseased animal.

On September 12, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16100. Adulteration of canned salmon. U. S. v. 200 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19049. I. S. Nos. 23013-v, 23011-v. S. No. C-4500.)

On October 10, 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 a libel praying seizure and condemnation of 200 cases of salmon at Omaha, Nebr., alleging that the article had been shipped by the Alaska Consolidated Canneries, from Seattle, Wash., on or about August 4, 1924, and transported from the State of Washington into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Surf Brand Choice Pink Salmon Packed by Alaska Pacific Fisheries Seattle, Washington."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On November 15, 1928, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On November 16, 1928, the United States marshal made a return that he had attempted to carry out the order of the court and that none of the product remained, it having been used by the shipping clerk of the McCord-Brady Co., in whose warehouse the product had been stored, to fill orders of that company. On November 16, 1928, an order was issued against John Doe, the said shipping clerk, adjudging him guilty of contempt of a lawful order of the court, and it was ordered that he be fined \$1.

ARTHUR M. HYDE, *Secretary of Agriculture.*