

On March 3, 1930, 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.*

17192. Misbranding of butter. U. S. v. 12 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24679. I. S. No. 028908. S. No. 2889.)

On February 20, 1930, the United States attorney for the District of New Jersey, 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 12 cases of butter at Newark, N. J., alleging that the article had been shipped by Swift & Co., from Atlantic, Iowa, on or about February 8, 1930, and transported from the State of Iowa into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Brookfield Pasteurized Creamery Butter Quarters 1 Lb. Net Weight * * * Swift & Company * * * Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the label, "1 Lb. Net Weight," 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, since the statement "1 Lb. Net Weight" was incorrect.

On April 9, 1930, 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.*

17193. Adulteration of scallops. U. S. v. 5 Barrels of Scallops. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 24630. I. S. No. 028893. S. No. 2862.)

On February 14, 1930, 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 5 barrels of scallops, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. L. Harris & Co., Cambridge, Md., on or about February 13, 1930, and transported from the State of Maryland 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 a substance, water, had been mixed and packed with and substituted in part for scallops.

On February 28, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product passed by this department as fit for human consumption be delivered to a charitable institution, and the unfit portion, if any, destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17194. Misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24360. I. S. No. 021298. S. No. 2375.)

On October 1, 1929, the United States attorney for the District of Connecticut, 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 5 cases of butter, remaining in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped by Swift & Co. (Inc.), from Clarinda, Iowa, on or about September 15, 1929, and transported from the State of Iowa into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print) "1 Lb. Net weight Brookfield Pasteurized Creamery Butter. * * * Distributed By Swift & Company * * * Chicago, U. S. A."

It was alleged in the libel that the article was misbranded in that the statement "1 Lb. Net Weight," appearing on the label, was 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, since the statement "1 Lb. Net Weight" was incorrect.

On November 11, 1929, 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.*

17195. Adulteration and misbranding of canned shrimp. U. S. v. 90 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23960. I. S. No. 09145. S. No. 2167.)

On or about August 22, 1929, the United States attorney for the Eastern District of Michigan, 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 90 cases of canned shrimp at Detroit, Mich., alleging that the article had been shipped by Granger & Co., from Buffalo, N. Y., June 16, 1929, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Grangers Brand Shrimp Wet Pack Contents 5 $\frac{3}{4}$ ozs. Distributed by Granger & Company, Buffalo, N. Y."

Examination of the article by this department showed it to be decomposed and short weight.

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

It was further alleged in the libel that the article was misbranded in violation of section 8 of the act, general paragraph and paragraphs 2, 3, and 4, in the case of food.

On March 24, 1930, 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.*

17196. Adulteration of tomato sauce. U. S. v. 700 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24476. I. S. No. 029813. S. No. 2738.)

On or about January 27, 1930, the United States attorney for the Eastern District of Michigan, 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 700 cases of tomato sauce, remaining unsold in the original cases at Detroit, Mich., alleging that the article had been shipped by F. Romeo & Co. (Inc.), Dover, Del., January 4, 1930, and transported from the State of Delaware into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Giulietta Brand Salsa Di Pomodoro Uso Napoli Made in U. S. A. Giulietta Packing Co. Giulietta Brand Tomato Sauce."

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

On March 24, 1930, 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.*

17197. Adulteration and misbranding of mustard. U. S. v. 18 Cases of Mustard. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 23899. I. S. No. 08422. S. No. 2108.)

On July 27, 1929, the United States attorney for the Northern District of Indiana, 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 18 cases of mustard, remaining in the original unbroken packages at Fort Wayne, Ind., alleging that the article had been shipped by the Harbauer Co., from Toledo, Ohio, on or about February 26, 1929, and transported from the State of Ohio into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained about 15 per cent of added bran which had been mixed and packed with and substituted in part for mustard.

Misbranding was alleged under section 8, paragraphs 1 and 2 of the act, for the reason that the labels on the cases and packages, "Elks Pride Brand Mustard Colored with Turmeric Net Wgt. 9 Lbs. Made by the Harbauer Co.,"