

substituted in part for scallops which the article purported to be; and in that scallop solids, a valuable constituent of the article, had been in part abstracted.

On November 10, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1,000.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17808. Adulteration of canned sardines. U. S. v. 26 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25170. I. S. No. 5937. S. No. 3413.)

Samples of canned sardines from the herein-described interstate shipment having been found to contain diseased fish, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of North Carolina.

On September 29, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of canned sardines, remaining in the original unbroken packages at Charlotte, N. C., alleging that the article had been shipped by the Seacoast Canning Co., from Eastport, Me., on or about July 1, 1930, and had been transported from the State of Maine into the State of North Carolina, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Neptune Brand Maine Sardines * * * Seacoast Canning Co., Eastport, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance and was the product of a diseased animal.

On December 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.*

17809. Misbranding of alfalfa meal. U. S. v. 400 Sacks of Alfalfa Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25216. I. S. No. 92. S. No. 3489.)

Samples of alfalfa meal from the herein-described interstate shipment having been found to contain less crude protein and more crude fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On November 3, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 400 sacks of alfalfa meal, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the California Hawaiian Milling Co., from San Francisco, Calif., on or about September 29, 1930, and had been transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "C and H Brand Chicken Greens * * * Analysis: Crude Protein, not less than 20%; * * * Crude Fiber, not more than 18% * * * California Hawaiian Milling Co., San Francisco, Calif."

It was alleged in the libel that the article was misbranded in that the statements on the label, "Crude Protein, not less than 20%, crude fiber, not more than 18%," were false and misleading and deceived and misled the purchaser, when applied to an article which contained less protein and more fiber than so represented.

On November 13, 1930, the California Hawaiian Milling Co., San Francisco, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, 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 deposit of cash bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department, with a statement of the correct protein and fiber content, namely, "Not less than 17% protein and not more than 20% fiber."

ARTHUR M. HYDE, *Secretary of Agriculture.*