

payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be brought into compliance with the law by sorting and removing the unfit nuts.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17991. Adulteration and misbranding of cane sirup. U. S. v. 80 Cases, et al., of Sirup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24924. I. S. No. 014222. S. No. 3269.)

Samples of alleged pure cane sirup from the herein-described shipment having been found to be adulterated with sugar sirup, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On or about July 26, 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 96 cases of sirup, remaining in the original unbroken packages at Mexia, Tex., alleging that the article had been shipped by the Mayer Sugar & Molasses Co., from New Orleans, La., on or about February 11, 1930, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100% pure cane sirup. Made in the Old Way on the Louisiana Plantation, Packed by Mayer Sugar and Molasses Company, Inc., New Orleans, La."

It was alleged in the libel that the article was adulterated in that sugar sirup had been substituted in part for the article, and had been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement on the label, "Pure Cane Syrup," was false and misleading and deceived and misled the purchaser.

On December 13, 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.*

17992. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 300 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25582. I. S. No. 15512. S. No. 3868.)

Samples of canned frozen eggs from the herein-described shipment having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On December 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 300 cans of frozen whole eggs, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Union Terminal Cold Storage Co., Jersey City, N. J., by order of the Land O'Lakes Creameries (Inc.), on or about October 3, 1930, and had been transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Land O'Lakes Frozen Eggs, Land O'Lakes Creameries, Inc., Minneapolis, Minn. We Guarantee These Eggs * * * Guaranteed to comply with all pure food laws * * * Whole Eggs."

It was alleged in the libel that the article was adulterated in that a substance, to wit, sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Whole Eggs, Frozen Eggs * * * These eggs * * * Guaranteed to comply with all pure food laws," borne on the label, were false and misleading and deceived and misled the purchaser, when applied to an article containing added sugar. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 21, 1931, the Land O'Lakes Creameries (Inc.), Minneapolis, Minn., 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 \$3,000, conditioned in part that it be relabeled under the supervision of this department to show that it contained sugar.

ARTHUR M. HYDE, *Secretary of Agriculture.*