

17903. Misbranding of dairy feed. U. S. v. 40 Sacks of Provo 16 Dairy Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25497. I. S. No. 18562. S. No. 3762.)

Samples of dairy feed from the herein-described shipment having been found to contain less protein and fat, and more fiber than declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On or about December 17, 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 40 sacks of Provo 16 dairy feed, remaining in the original unbroken packages at Maugansville, Md., alleging that the article had been shipped by the Arcady Farms Milling Co., from Blue Island, Ill., on or about September 18, 1930, and had been transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Provo 16 Dairy Feed Guaranteed Analysis Protein 16.00% Fat 3.50% Fibre 13.50% * * * Manufactured by Arcady Farms Milling Co. Chicago, Ill. Kansas City, Mo."

It was alleged in the libel that the article was misbranded in that the statements on the label, "16 Dairy Feed Guaranteed Analysis Protein 16.00% Fat 3.50% Fibre 13.50%," were false and misleading and deceived and misled the purchaser, since the product did not contain 16 per cent of protein and 3.5 per cent of fat, and contained more than 13.5 per cent of fiber.

On February 17, 1931, 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.*

17994. Adulteration of Brazil nuts. U. S. v. 125 Bags of Brazil Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25461. I. S. No. 13687. S. No. 3730.)

Examination of the Brazil nuts from the herein-described shipment having shown the presence of moldy, rancid, and otherwise inedible nuts, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On or about December 8, 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 125 sacks of Brazil nuts at Chicago, Ill., alleging that the article had been shipped by Wm. A. Higgins & Co., from New York, N. Y., on or about November 21, 1930, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sun Glo Selected * * * Brazil William A. Higgins & Co., Inc., New York."

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

On December 10, 1930, Wurm Bros., Chicago, Ill., 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 for reconditioning under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17995. Adulteration of Greek string figs. U. S. v. 20 Boxes of Greek String Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25380. I. S. No. 9134. S. No. 3658.)

Samples of figs from the herein-described shipment having been found to be wormy and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On November 28, 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 20 boxes of Greek string figs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the William A. Camp Co., from New York, N. Y., on or about October 21, 1930, and had been transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Selected String Figs Packed and Shipped by Seideman

& Seideman, * * * S. & S. Athena Brand, New York, Catanzaro Co., Baltimore, Md."

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

On February 16, 1931, 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.*

17996. Misbranding of canned crab meat. U. S. v. 90 Tins of Canned Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25316. I. S. No. 13859. S. No. 3581.)

Samples of canned crab meat from the herein-described shipment having been found short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On November 12, 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 90 tins of canned crab meat at Chicago, Ill., alleging that the article had been shipped by the Ozio Fisheries, from Morgan City, La., on November 3, 1930, and transported from the State of Louisiana into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Ozio Brand Crab Meat Ozio Fisheries Morgan City, La., * * * One Pound Net."

It was alleged in the libel that the article was misbranded in that the statement on the can, "One Pound Net," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was incorrect.

On December 26, 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.*

17997. Adulteration of canned salmon. U. S. v. 1,384 Cases, et al., of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24462. I. S. Nos. 030372, 030373, 030374. S. No. 2741.)

A large part of the canned salmon from the herein-described shipments having been found to be in an advanced stage of decomposition, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On January 23, 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 1,997 cases of canned salmon, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Buttnick Manufacturing Co., from Seattle, Wash., on or about November 13, 1929, and transported from the State of Washington into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled under three brands, as follows: (Cans) "Meadow Lark Brand * * * Sockeye Salmon Packed by Pacific Coast & Norway Packing Company, Petersburg, Alaska;" "Nifco Brand Puget Sound Fancy Red Sockeye Salmon * * * Packed by National Independent Fisheries Co., Seattle, U. S. A.," "Golden Red Brand Salmon Alaska Salmon * * * Distributed by Elmer W. Smith Inc., Seattle, Wash."

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

On April 17, 1930, a default order was entered ordering that the product be condemned and destroyed. On May 6, 1930, an amended decree was filed ordering that the product be sold at public auction, under bond in the sum of \$500, conditioned that it should not be sold or used for human consumption, and the sum realized deposited in court as proceeds in an action involving claims against the property. On March 7, 1931, the conditions of the decree having been breached in that the product was being sold for human consumption, and so much of the article as could be located having been resealed, judgment of condemnation and forfeiture was entered and it was ordered by the court that the marshal destroy the seized goods.

ARTHUR M. HYDE, *Secretary of Agriculture.*