

Misbranding was alleged in the information with respect to portions of the article for the reason that the statement, to wit, "One Pound Net Weight," borne on the label of the packages, was false and misleading in that the said statement represented that the packages each contained 1 pound of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound of butter; whereas they did not, but did contain a less amount. Misbranding was alleged with respect to the said portions of the article for the further reason 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 was not correct.

On May 16, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18439. Adulteration of canned prunes. U. S. v. 419 Cases of Canned Prunes. Default decree of condemnation and destruction. (F. & D. No. 25938. I. S. Nos. 24040, 24041. S. No. 4169.)

Samples of canned prunes from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Kansas.

On or about February 26, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 419 cases of canned prunes, remaining in the original unbroken packages at Liberal, Kans., alleging that the article had been shipped by the Ray-Maling Co., from Hillsboro, Oreg., on or about October 27, 1930, and had been transported from the State of Oregon into the State of Kansas, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Case) "Raybrook Brand Fresh Prunes Packed by Ray Maling Company, Inc. * * * Hillsboro, Oregon;" (can) "Raybrook Brand Fresh Prunes." The remainder of the said article was labeled in part: (Case) "Bar B Q Brand Prunes Packed for Jett & Wood' Wichita, Kans.;" (can) "Bar B. Q. Brand Prunes."

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 vegetable substance.

On May 21, 1931, no claimant having appeared for the property, a decree was entered by the court, which was amended on June 22, 1931. The decree as amended adjudged the product adulterated, and ordered that it be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18440. Adulteration and misbranding of powdered egg yolk. U. S. v. 6 Cases of Powdered Egg Yolk. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26026. I. S. No. 12241. S. No. 4313.)

Examination of the powdered egg yolk from the shipment herein described having shown that the article contained added undeclared color, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On March 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 cases of powdered egg yolk, remaining in the original unbroken packages at Denver, Colo., consigned by the Bashaw-Arey Co., of San Francisco, Calif., from Kansas City, Mo., alleging that the article had been shipped on or about February 16, 1931, in interstate commerce from Kansas City, Mo., into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "COB San Francisco Option Baltimore Boston New York Philada' From China Net 200 lbs. Contains 6½% added invert sugar."

It was alleged in the libel that the article was adulterated in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On May 25, 1931, the Pacific Orient Co., 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 execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled, and that it should not be sold or otherwise disposed of contrary to the laws of the United States or of the State of Colorado.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18441. Adulteration and misbranding of dried egg yolk. U. S. v. 8 Cases of Dried Egg Yolk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26145. I. S. No. 22076. S. No. 4448.)

Samples of dried egg yolk from the shipment herein described having been found to be artificially colored and to contain a lactose-bearing substance, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On March 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight cases of dried egg yolk, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from New York, N. Y., on or about February 5, 1931, and had been transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "COB San Francisco From China, Contains 6½ Per cent Invert Sugar * * * Importers Comm. Co. * * * New York, N. Y."

It was alleged in the libel that the article was adulterated in that a substance consisting of dried egg yolk artificially colored, and a lactose-bearing substance had been substituted in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Contains 6½ Per cent Invert Sugar," borne on the label, was false and misleading and deceived and misled the purchaser when applied to an article containing a lactose-bearing substance. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 18, 1931, the Pacific Orient Co., 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 \$650, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18442. Adulteration and misbranding of canned frozen whole eggs. U. S. v. 475 Cans of Frozen Eggs. Product ordered released under bond to be reconditioned. (F. & D. No. 26152. I. S. No. 28333. S. No. 4473.)

Samples of canned frozen whole eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On March 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 475 cans of frozen eggs, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Merchant's Cold Storage Co., Cincinnati, Ohio, at the direction of the Alex Wilson Co., on or about September 15, 1930, and had been transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled: "Wilson's Quality Whole Eggs 30 Lbs. When Packed." The remainder of the said article was unlabeled.

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

Misbranding was alleged for the 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.

On April 29, 1931, the Alex Wilson Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and having consented to the condemnation