

On June 5, 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 4½ cases of maple sirup, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by Rigney & Co., Brooklyn, N. Y., on or about March 16, 1931, and had been transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Scott's De Luxe Pure Sap Maple Syrup John Scott & Co. Inc., Sole Distributors. Philadelphia, Pa. Contents 1 Flu. Gal.;" (stamped in tin) "I U. S. Gal.;" (shipping box) "6 1-Gal. Cans Scott's De Luxe Pure Maple Syrup. John Scott & Co., Philadelphia, Pa."

Misbranding of the article was alleged in the libel for the reason that the statements, (can label) "1 Flu. Gal.," (stamped in tin) "1 U. S. Gal.," and (shipping box) "6 1-Gal.," were 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 the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 24, 1931, John Scott & Co., Philadelphia, Pa., and Rigney & Co., New York, N. Y., having appeared as claimants for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled under the supervision of this department and should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18810. Adulteration of catsup. U. S. v. 71 Cases of Catsup. Default decree of condemnation and forfeiture entered. (F. & D. No. 25638. I. S. No. 10857. S. No. 3898.)

Samples of catsup from the shipment herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Illinois.

On January 6, 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 71 cases of catsup, remaining in the original packages at Decatur, Ill., alleging that the article had been shipped by the Frazier Packing Co., Elwood, Ind., on or about October 11, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottles) "Golden Drip Net Cont. 8 Oz. Fancy Tomato Catsup."

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

On September 18, 1931, no claimant having appeared for the property, and the court having found that the allegations of the libel were true and that the product was subject to forfeiture to the United States, judgment was entered ordering that the said product be condemned and forfeited.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18811. Adulteration of fish (bluefins). U. S. v. 4 Boxes of Bluefins, et al. Default decrees of destruction entered. (F. & D. Nos. 26827, 26835, 26863. I. S. Nos. 25786, 36304, 37099. S. Nos. 5002, 5024, 5054.)

Samples of fish (bluefins) from the shipments herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On July 31, August 4, and August 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine boxes, each containing 100 pounds of fish (bluefins) at Cincinnati, Ohio, alleging that the article had been shipped by Sam Johnson & Sons (Fisheries), Duluth, Minn., in various consignments, on or about July 27, July 30, and August 6, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libels for the reason that the article was infested with triaenophori (worms), and consisted wholly or partly of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

No claimant having appeared for the property involved in the cases and the court having found that the fish was spoiled and unfit for human consumption, on August 4, 1931, a decree was entered ordering that the portion of the product libeled on that date be destroyed by the United States marshal; on August 4 and September 2, 1931, decrees were entered, nunc pro tunc as of the date of filing the libels, ordering that the remainder of the product be destroyed by the marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18812. Adulteration and misbranding of fruit preserves. U. S. v. 130 Cases of Hygeia Brand Pure * * * Preserves. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 26462. I. S. Nos. 28736 to 28741, incl., 28770 to 28773, incl. S. No. 4740.)

Examination of assorted fruit preserves from the shipments herein described showed that the article contained added undeclared pectin, also that the jars contained less than the declared weight.

On June 9, 1931, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 130 cases of fruit preserves, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by Mrs. G. L. Harting, from Philadelphia, Pa., in various consignments, on or about January 8, March 20, April 9, and April 30, 1931, and had been transported from the State of Pennsylvania into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "2 Pounds Net Avd. Hygeia Brand Pure Strawberry [or "Peach" or "Pineapple"] Preserves Distributed by Old Dominion Tobacco Co. Norfolk, Va."

It was alleged in the libel that the article was adulterated in that undeclared added pectin had been substituted in part for strawberry, peach, and pineapple preserves, which the article purported to be.

Misbranding was alleged for the reason that the statements, "2 Pounds Net Avd." and "Pure * * * Preserves," borne on the label, were false and misleading and deceived and misled the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article; and 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 made was not correct.

On August 12, 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 sold by the United States marshal. The decree further provided that the statements, "2 Pounds Net Avd." and "Pure," be obliterated from the label and that the statements, "1 lb. 15 Oz. Contains Added Pectin," be stamped thereon before sale of the product.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18813. Adulteration and misbranding of canned grapefruit juice. U. S. v. 15 Cases of Canned Grapefruit Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26492. I. S. No. 11416. S. No. 4798.)

Samples of canned grapefruit juice from the shipment herein described were found to contain undeclared added sugar and to be short of the declared volume.

On June 13, 1931, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 cases of canned grapefruit juice, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by the Westcoast Fruit Co., Clearwater, Fla., on or about December 8, 1930, and had been transported from the State of Florida into the State of California and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Dixie Dainty Brand Florida Grapefruit Juice Contents 11 ounces Pure Grapefruit Juice Westcoast Fruit Co., Packers, Clearwater, Fla."

It was alleged in the libel that the article was adulterated in that a substance, to wit, grapefruit juice containing undeclared added sugar, had been substituted for grapefruit juice, which the said article purported to be.

Misbranding was alleged for the reason that the statements, "Grapefruit Juice Contents 11 ounces Pure Grapefruit Juice," borne on the label, were false.