

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.

and misleading, and deceived and misled the purchaser when applied to an article containing undeclared added sugar, and that was short weight. 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 quantity stated on the label was not correct; and for the further reason that the article was offered for sale under the distinctive name of another article.

On August 3, 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.*

**18814. Adulteration of tullibeas. U. S. v. 104 Boxes of Tullibeas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26791. I. S. No. 33916. S. No. 4928.)**

Samples of tullibeas from the shipment herein described having been found to be infested with worms, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On July 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 104 boxes of tullibeas, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Armstrong Gimle Fisheries, from Winnipeg, Manitoba, Canada, into the State of New Jersey, on or about January 31, 1931, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance, and in that it consisted of a portion of an animal unfit for food.

On July 29, 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.*

**18815. Adulteration and misbranding of processed yolk blend. U. S. v. Benjamin Holland (Benjamin Holland Manufacturing Co.). Plea of guilty. Fine, \$50. (F. & D. No. 25724. I. S. No. 852.)**

Samples of a product represented to be a processed yolk blend having been found to be a mixture of dried egg yolk and dried skim milk, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Benjamin Holland, trading as the Benjamin Holland Manufacturing Co., Seattle, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 12, 1930, from the State of Washington into the State of Montana, of a quantity of processed yolk blend, which was adulterated and misbranded. The article was labeled in part: "Processed Yolk Blend a Mixture \* \* \* Benjamin Holland Mfg. Co., Seattle."

It was alleged in the information that the article was adulterated in that a substance, to wit, dried and powdered skim milk, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for a processed and blended mixture of egg yolk, which the article purported to be.

Misbranding was alleged for the reason that the statement, "Processed Yolk Blend A Mixture," borne on the barrel containing the article, was false and misleading in that the said statement represented that the article was a processed and blended mixture of egg yolk consisting solely of egg yolk; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a processed and blended mixture of egg yolk, consisting solely of egg yolk; whereas it was not, but was a compound mixture consisting of approximately 60 per cent of egg yolk and 40 per cent of dried and powdered skim milk.

On July 21, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

ARTHUR M. HYDE, *Secretary of Agriculture.*