

demnation of 39 cans of frozen egg yolks, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Omaha Cold Storage Co., from Omaha, Nebr., on or about March 2, 1931, and had been transported from the State of Nebraska into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Jarel Egg Yolks."

It was alleged in the libel that the article was adulterated in that a substance, sugar, had been substituted partly for the said article.

Misbranding was alleged for the reason that the statement on the label, "Egg Yolks," was false and misleading and deceived and misled the purchaser. Misbranding was alleged 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 in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

The Omaha Cold Storage Co., Omaha, Nebr., filed a claim and answer admitting that the product was improperly labeled and that it was subject to forfeiture and condemnation, and praying permission to relabel the goods. On April 28, 1931, the court ordered that the product be released to the claimant for the purpose of relabeling it in accordance with the requirements of this department, upon the execution of a bond in the sum of \$500. On May 25, 1931, claimant having paid costs and having relabeled the product so that it was salable under the Federal food and drugs act, the court ordered that the goods be released and the bond canceled.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18866. Adulteration of canned tomato puree. U. S. v. 2,000 Cases, et al., of Tomato Puree. Consent decrees entered. Portion of product released to claimant. Remainder ordered condemned, forfeited, and destroyed. (F. & D. Nos. 26735, 26787. I. S. Nos. 11719, 11721. S. Nos. 4883, 4909.)

Samples of canned tomato puree from the shipments 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 California.

On July 6 and July 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 2,300 cases of tomato puree, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Rocky Mountain Packing Co., from Salt Lake City, Utah, in part on or about January 3, 1931, and in part on or about February 10 and May 26, 1931, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Golden Rey Brand Tomato Puree Packed for Pacific Wholesale Grocery Co., Los Angeles."

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

On September 17, 1931, examination having shown that the product consisted of two separable lots, one of which was unadulterated and one of which was adulterated, and the United States attorney and the claimant having entered into a stipulation to the effect that the unadulterated portion be released and the remainder condemned, the court ordered that the good portion be released to the said claimant, the Pacific Wholesale Grocery Co., Los Angeles, Calif. On October 3, 1931, judgments of condemnation and forfeiture were entered with respect to the adulterated portion, consisting of 1,196 cases, and it was ordered by the court that the said portion be destroyed by the United States marshal, and that claimant be taxed all costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18867. Adulteration and misbranding of canned minced clams. U. S. v. 8 Cases of Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26493. I. S. No. 22230. S. No. 4790.)

Samples of canned minced clams from the shipment herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 12, 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 canned minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped