

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

by the Ocean Park Packing Co., from Ocean Park, Wash., on or about April 24, 1931, and had been transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Ocean Park Brand Willapa Bay-Minced Clams."

It was alleged in the libel that the article was adulterated in that brine and clam nectar had been substituted in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the statement "Minced Clams," borne on the label, was false and misleading and deceived and mislead the purchaser when applied to a product containing excessive brine.

On October 5, 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.*

18868. Adulteration and misbranding of beef scrap. U. S. v. William J. Smith and Thomas J. Smith (Enterprise Tallow & Grease Co.). Pleas of guilty. Fine, \$50. (F. & D. No. 26572. I. S. Nos. 011078, 011081, 011082, 011083.)

Examination of samples of beef scrap from the shipments herein described having shown that the article contained less protein than declared on the labels, also that portions consisted of meat and bone scrap containing more phosphoric acid than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On August 31, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against William J. Smith and Thomas J. Smith, copartners, trading as Enterprise Tallow & Grease Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the food and drugs act, from the State of Pennsylvania into the State of Maryland, in various consignments, on or about January 15, April 10, April 21, April 25, and April 30, 1930, of quantities of beef scrap and ground beef scrap, which were misbranded, and a portion of which was adulterated. A portion of the article was labeled in part: "Enterprise's Del-Mar-Va Ground Beef Scrap For Poultry Protein Min. 55% [or "50%"] * * * Phos. Acid Max 10%, Manufactured by Enterprise Tallow & Grease Co. Philadelphia, Pa." The remainder of the said article was labeled in part: "50% Enterprise Beef Scrap Analysis Protein Min. 50% * * * Manufactured by Enterprise Tallow & Grease Co. Philadelphia, Pa."

Adulteration was alleged in the information with respect to portions of the article for the reason that a product composed in large part of meat and bone scrap, which was deficient in protein and which contained excessive phosphoric acid, had been substituted for beef scrap, or ground beef scrap, which the article purported to be.

Misbranding was alleged with respect to a portion of the article for the reason that the statement, "Protein Min. 55%," borne on the label, was false and misleading in that the said statement represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it did contain less protein than declared, namely, not more than 48.88 per cent of protein. Misbranding was alleged with respect to the remainder of the said article for the reason that the statements, "Beef Scrap," or "Ground Beef Scrap," as the case might be, and "Protein, Min. 50% * * * Phos. Acid, Max. 10%," borne on the labels, were false and misleading in that the said statements represented that the article was beef scrap, or ground beef scrap, and contained not less than 50 per cent of protein and not more than 10 per cent of phosphoric acid; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was beef scrap, or ground beef scrap, and contained not less than 50 per cent of protein and not more than 10 per cent of phosphoric acid; whereas the said article was not beef scrap or ground beef scrap, but was a product composed in large part of bone and meat scrap, it contained less protein than declared on the label, the various consignments containing not more than 48.82 per cent, 46.04 per cent, and 47.01 per cent respectively of protein, and it contained more phosphoric acid than declared, the three consignments containing not less than 10.5 per cent, 11 per cent and 11.7 per cent, respectively, of phosphoric acid. Misbranding