

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

On September 29, 1931, H. J. Keith & Co., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant, not to be disposed of in violation of the Federal food and drugs act. The decree further provided that the claimant pay costs of the proceedings and execute a bond in the sum of \$5,000, conditioned in part that the product should not be sold or disposed of without having been inspected by a representative of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18872. Adulteration of herring. U. S. v. 3 Boxes of Herring. Default decree of condemnation and destruction. (F. & D. No. 27008. I. S. No. 34763. S. No. 5228.)

Samples of herring 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 Western District of Pennsylvania.

On September 28, 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 three boxes of herring, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Hogstad Fish Co., from Duluth, Minn., on or about September 24, 1931, and had been transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Dr. Bluefins * * * Hogstad Fish Co., Duluth, Minn."

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

On September 30, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

18873. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27133. I. S. No. 34514. S. No. 5106.)

Samples of blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 19, 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 four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. V. Bates, from South Brooksville, Me., August 18, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From E. V. Bates, So. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 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.*

18874. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27132. I. S. No. 34513. S. No. 5107.)

Samples of blueberries from the shipment herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 19, 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 four crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Arthur E. Jones, from South Brooksville, Me., August 18, 1931, and had been

transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From Arthur E. Jones, S. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 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.*

18875. Adulteration of blueberries. U. S. v. 5 Crates, et al., of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 27131, 27134. I. S. Nos. 34516, 38801. S. Nos. 5105, 5108.)

Samples of blueberries from the shipments herein described having been found to contain maggots, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On August 19 and August 20, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by C. C. Ladd, from South Brooksville, Me., in part on August 18, 1931, and in part on August 19, 1931, and had been transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "From C. C. Ladd So. Brooksville, Me."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18876. Adulteration and misbranding of lemon oil. U. S. v. David Kleckner. Plea of guilty. Fine, \$10. (F. & D. No. 26575. I. S. No. 020816.)

Examination of samples of a product, sold as Italian lemon oil, having shown that the article consisted in large part of cottonseed oil, and that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On August 11, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against David Kleckner, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on December 17, 1929, from the State of New York into the State of Michigan, of a quantity of lemon oil which was adulterated and misbranded. The article was labeled in part: "Italian Lemon Oil 1 lb. Net. Distributed by Kleckner's, N. Y."

It was alleged in the information that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in large part for lemon oil which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Italian Lemon Oil" and "1 lb. Net," were false and misleading in that the said statements represented that the article was lemon oil and that each can contained 1 pound net thereof; 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 lemon oil, and that each of said cans contained 1 pound net thereof; whereas it was not lemon oil but was a product composed in large part of cottonseed oil, and each of the said cans did not contain 1 pound net thereof, but did contain a less amount. Misbranding was alleged for the further reason that the article was prepared in imitation of lemon oil and was offered for sale and sold under the distinctive name of another article, namely, lemon oil. 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.

On September 23, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*