

ation was alleged for the further reason that the article consisted of portions of an animal unfit for food.

On October 12, 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.*

18999. Adulteration of herring. U. S. v. 1 Box of Herring. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27155. I. S. No. 40010. S. No. 5294.)

Samples of herring from the shipment herein described having been found to contain worms, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

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 one box of herring at Chicago, Ill., alleging that the article had been shipped by Arnold G. Jacobson, from Beaver Bay, Minn., on or about August 14, 1931, and had been transported from the State of Minnesota into the State of Illinois, and charging adulteration 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 decomposed, filthy, and putrid animal substance. Adulteration was alleged for the further reason that the article consisted of a portion of an animal unfit for food.

On October 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19000. Adulteration and misbranding of canned grapefruit juice. U. S. v. 100 Cases, et al., of Canned Grapefruit Juice. Consent decree of condemnation. Product released under bond. (F. & D. No. 26500. I. S. Nos. 11148, 22229. S. No. 4739.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the article contained added sugar and that the declaration of the quantity of contents appearing on the can labels of a portion of the product was made in terms of weight instead of liquid measure, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 16, 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 148 cases of canned grapefruit juice, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Florida Fruit Cannery (Inc.), from Frostproof, Fla., on or about April 17, 1931, and had been transported from the State of Florida into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Cans) "Red and White Brand Grapefruit Juice." One lot of the article, consisting of 100 cases, was further labeled: (Can) "Net Weight 10½ Oz."

It was alleged in the libel that the article was adulterated in that an undeclared added substance, sugar, had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement on the labels, "Grapefruit Juice," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the said 100-case lot 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 was not stated in proper form.

On October 23, 1931, Wadhams & Co. (Inc.), Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled, and further conditioned that it should not be sold or otherwise disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*