

19289. Adulteration of figs. U. S. v. 75 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27337. I. S. 37890. S. No. 5518.)

Samples of figs from the shipment herein described having been found to be wormy, moldy, and sour, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On December 7, 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 75 boxes of figs, remaining in the original unbroken packages at Allentown, Pa., alleging that the article had been shipped on or about October 17, 1931, by the California Packing Co., from Fresno, Calif., and had been transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Roeding's California Figs."

Adulteration was alleged in the libel for the reason that the product consisted in part of a filthy and decomposed vegetable substance.

On January 5, 1932, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19290. Adulteration of canned cherries. U. S. v. Paulus Bros. Packing Co. Plea of guilty. Fine, \$50. (F. & D. No. 26636. I. S. Nos. 16141, 16148.)

Samples of canned cherries from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On October 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Paulus Bros. Packing Co., a corporation, Salem, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about January 5, 1931, from the State of Oregon into the State of Maryland, of a quantity of canned cherries that were adulterated. The article was labeled in part: "White Tag Pitted Royal Anne Cherries * * * Paulus Bros. Packing Co. Salem, Oregon."

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

On November 10, 1931, a plea of guilty to the information was entered on behalf of the defendant company and the court imposed a fine of \$50.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19291. Misbranding of cottonseed cake. U. S. v. 179 Sacks of Cottonseed Cake. Default decree of condemnation and forfeiture, to be relabeled for sale. (F. & D. No. 27002. I. S. No. 17578. S. No. 5217.)

Samples of cottonseed cake from the shipment herein described having been found to contain less protein than labeled, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On October 6, 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 179 sacks of cottonseed cake, remaining in the original packages at Carizozo, N. Mex., alleging that the article had been shipped on or about April 9, 1931, by the El Paso Refining Co., from El Paso, Tex., and had been transported in interstate commerce from the State of Texas into the State of New Mexico, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sacks) "100 lbs. Net 43% Protein Cottonseed Cake Prime Quality Manufactured by El Paso Refining Co. El Paso Texas. Guaranteed Analysis Crude Protein not Less than 43%."

It was alleged in substance in the libel that the article was misbranded in that the statements, "43% Protein" and "Crude Protein not Less than 43%," appearing on the label of the sacks, were false and misleading.

On November 24, 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 relabeled by the United States marshal, under the direction of the Department of Agriculture, to show the true contents of protein therein, and sold at public auction.

ARTHUR M. HYDE, *Secretary of Agriculture.*