

On December 10, 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 360 sacks of potatoes, remaining in the original unbroken packages at Dayton, Ohio, alleging that the article had been shipped by Leonard, Crosset & Riley, Greenville, Mich., from McBrides, Mich., on or about November 30, 1931, and had been transported from the State of Michigan into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "U. S. Grade Number 1 Good Luck Brand Michigan Potatoes."

It was alleged in the libel that the article was misbranded in that it was labeled, "U. S. Grade Number 1," which label was false and misleading and deceived and misled the purchaser, since it represented that the article was of the standard established in official United States Grade No. 1 for potatoes, whereas it was not, but was of a lower standard and grade.

On December 17, 1931, Leonard, Crosset & Riley (Inc.), Greenville, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture 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 the statement, "U. S. No. 1," be stricken from the label, and the word "Unclassified," placed on the tag in lieu thereof, and that it should not be sold or otherwise disposed of contrary to the law, State and Federal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19306. Adulteration of canned tuna. U. S. v. Max A. Rex (California Sea Food Co.). Plea of guilty. Fine, \$350. (F. & D. No. 26700. I. S. Nos. 15162, 33831, 33832.)

Samples of canned tuna from the shipments herein described having been found to be tainted or stale, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On January 28, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Max A. Rex, trading as the California Sea Food Co., Los Angeles, Calif., alleging shipment by said company in violation of the food and drugs act, on or about April 28, 1931, from the State of California in part into the State of Tennessee, and in part into the State of New York, of quantities of canned tuna that was adulterated. The article was labeled in part, variously: (Cans) "Results! Brand California Tuna * * * Guaranteed by M. O. Covington Co., Los Angeles, Calif.;" "Caltuna Brand California Tuna * * * Guaranteed by California Sea Food Co. Los Angeles, Calif.;" "Montecito Brand California Tuna * * * Guaranteed by California Sea Food Co. Los Angeles, Calif."

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

On February 23, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19307. Adulteration of oysters. U. S. v. N. P. Housman Oyster Co. (Inc.). Plea of guilty. Fine, \$100. (F. & D. No. 26702. I. S. Nos. 12276, 23939.)

Samples of oysters from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 27, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid an information against N. P. Housman Oyster Co. (Inc.), a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about February 16, 1931, from the State of New York into the State of Utah, and on or about February 18, 1931, from the State of New York into the State of Illinois, of quantities of oysters that were adulterated. The article was labeled in part: "From N. P. Housman Oyster Co. * * * New York."

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