

On December 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 20½ cases of pecans in shell, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped on or about November 30, 1931, by the Sanitary Grocery Co. (Inc.), from Washington, D. C., and had been transported from the District of Columbia into the State of Maryland, 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 vegetable substance.

On January 15, 1932, the Consolidated Pecan Sales Co., Albany, Ga., 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 delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$250, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act, and all other laws, and further conditioned that the bad portion be destroyed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19343. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 27835. I. S. No. 5377. S. No. 5802.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 25, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 tubs of butter at New York, N. Y., alleging that the article had been shipped by the Garrison Cooperative Creamery Association, Garrison, Iowa, on or about January 16, 1932, and had been transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Garrison Cooperative Creamery Association, Garrison, Iowa, interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On January 27, 1932, 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 \$400, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19344. Adulteration of canned salmon. U. S. v. 1,198 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27660. I. S. No. 22582. S. No. 5738.)

Samples of salmon from the shipment herein described having been found to be partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On January 14, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,198 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about October 3, 1930, by the Grimes Packing Co., from Ouzinkie, Alaska, and had been transported in interstate commerce from the Territory of Alaska into the State of Washington, 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 whole or in part of a decomposed animal substance.

On January 29, 1932, O. L. Grimes, claimant, having filed a stipulation admitting 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 \$1,000, conditioned in part that the salmon be brought into conformity with the Federal food and drugs act, and that it should not be sold or disposed of contrary to the provisions of said act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19345. Alleged misbranding of oysters. U. S. v. Edward R. Clarke (E. R. Clarke). Instructed verdict of not guilty. (F. & D. No. 25725. I. S. Nos. 14486, 14487.)

Sample cans of oysters taken from the shipments involved in this action having been found to contain less than the volume declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On April 28, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Edward R. Clarke, trading as E. R. Clarke, Norfolk, Va., charging shipment by said defendant, in violation of the food and drugs act, on or about February 3, 1931, from the State of Virginia into the State of South Carolina, of quantities of oysters that were alleged to be misbranded. The article was labeled in part: (Can) "Selects * * * Minimum 1 Pint Volume."

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum 1 Pint Volume," borne on each of the cans, was false and misleading in that the said statement represented that the cans each contained 1 pint of oysters; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained 1 pint of oysters; whereas the cans did not contain 1 pint of oysters, but did contain a less amount.

On January 6, 1932, the case came on for trial before the court and a jury. After introduction of evidence on behalf of the Government and arguments by counsel the jury, acting under instructions of the court, returned a verdict of not guilty.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19346. Adulteration of canned tomato puree. U. S. v. Crampton Canneries (Inc.). Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 26594. I. S. No. 10346.)

Samples of canned tomato puree involved in this action having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Ohio.

On August 24, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Crampton Canneries (Inc.), a corporation, Celina, Ohio, alleging shipment by said company in violation of the food and drugs act, on or about November 7, 1930, from the State of Ohio into the State of Missouri, of a quantity of canned tomato puree that was adulterated. The article was labeled in part: "Ohio Brand Fancy Pure Foods Tomato Puree * * * Hensgen-Peters Smith Co. Distributors, St. Louis, Mo."

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 vegetable substance.

On September 23, 1931, a plea of nolo contendere to the information was entered on behalf of the defendant company. On April 28, 1932, a fine of \$200 and costs was imposed by the court.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19347. Adulteration of canned salmon. U. S. v. 787 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. & D. No. 27598. I. S. Nos. 37764, 37765, 37766. S. No. 5640.)

Samples of salmon from the shipment herein described having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On December 31, 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 787 cases of canned salmon, remaining in the original unbroken