

of the United States for the district aforesaid a libel praying seizure and condemnation of 33 cartons of walnut meats at Billings, Mont., alleging that the article had been shipped in interstate commerce, in part on or about December 17, 1928, and in part on or about March 2, 1929, by Leon Mayer, from Los Angeles, Calif., to Billings, Mont., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mayers California Standard Amber," "Mayers Amber Halves and Quarters," or "Standard Amber Pieces."

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 15, 1931, the case came on for final disposition before the court on motion of the United States attorney for judgment on the pleadings. On March 30, 1932, a decree of condemnation was entered and it was ordered by the court that the product be destroyed and that libelee be taxed costs of the proceedings.

HENRY A. WALLACE, *Secretary of Agriculture.*

19704. Adulteration and misbranding of minced clams. U. S. v. Mat Wolford (Ocean Park Packing Co.). Plea of guilty. Fine, \$75 and costs. (F. & D. No. 27425. I. S. No. 22230.)

This action was based on a shipment of canned minced clams, samples of which were found to contain excessive liquid.

On February 2, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Mat Wolford, a member of a copartnership trading as Ocean Park Packing Co., Ocean Park, Wash., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 24, 1931, from the State of Washington into the State of Oregon, of a quantity of canned minced clams that were adulterated and misbranded. The article was labeled in part: "Ocean Park Brand Willapa Bay Minced Clams * * * Packed by Ocean Park Packing Co., Russell & Wolford Ocean Park, Washington."

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

Misbranding was alleged for the reason that the statement "Minced Clams," borne on the can label, was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser, since the statement represented that the article consisted wholly of minced clams, whereas it did not but did consist in part of excessive brine.

On April 29, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19705. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27817. I. S. No. 32509. S. No. 5907.)

This action involved a shipment of ladled butter, which was rancid, decomposed, and below invoiced grade.

On March 5, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about February 8, 1932, by the Fairmont Creamery Co., from Omaha, Nebr., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Order Fairmont Creamery Co. San Francisco, Calif.," and was invoiced "Number 1 Ladles."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance. Adulteration was alleged for the further reason that a product below invoiced grade had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 16, 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 by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19706. Adulteration of canned frozen eggs. U. S. v. 675 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27825. I. S. No. 39523. S. No. 5930.)

Samples of canned frozen eggs taken from the shipment involved in this action having been found to be decomposed and putrid, the Secretary of Agriculture reported the matter to the United States attorney for the District of Maryland.

On March 10, 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 675 cans of frozen eggs, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, on or about March 21, 1931, by the Kraft-Phenix Cheese Corporation, from Dallas, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kraft-Phenix Cheese Corporation."

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

On March 22, 1932, the Kraft-Phenix Cheese Corporation, Chicago, Ill., having appeared as claimant for the property, 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 \$2,000, conditioned in part that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

19707. Adulteration of bluefins. U. S. v. 3 Boxes, et al., of Bluefins. Decrees of destruction entered. (F. & D. Nos. 27788, 27789, 27812, 27813. I. S. Nos. 50080, 52780, 52786, 53503. S. Nos. 5889, 5892, 5917, 5918.)

These actions involved several interstate shipments of fish, samples of which were found to be infested with parasitic worms.

On February 29 and March 7, 1932, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of nine boxes of bluefins, in part at Cincinnati, Ohio, and in part at Columbus, Ohio, alleging that the article had been shipped in interstate commerce between the dates of February 23 and March 1, 1932, by the Hogstad Fish Co., from Duluth, Minn., to Cincinnati and Columbus, Ohio, respectively, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and in that it consisted of portions of animals unfit for food.

On February 29 and March 7, 1932, the court having found that the product was spoiled and unfit for human consumption, decrees were entered ordering that the fish be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19708. Misbranding of canned minced clams. U. S. v. 25 Cases of Canned Minced Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27742. I. S. No. 32337. S. No. 5832.)

This action involved the interstate shipment of a quantity of canned minced clams, sample cans of which were found, upon examination, to contain less than the declared weight. Examination further showed that some of the cans fell below the standard of fill of container promulgated by this department, and that they were not labeled to show that they were slack-filled.

On February 11, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 25 cases of canned minced clams, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about January 29, 1932, from