

Seattle, Wash., to San Francisco, Calif., by the K. C. B. Canning Co. (K. C. B. Cannery (Inc.)), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "K. C. B. Minced White Clams * * * Packed by K. C. B. Cannery, Inc., Seattle, Wash. Net Weight 7½ oz."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Net Weight 7½ oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged for the further reason that the article was canned food and fell below the standard of fill of container promulgated by the Secretary of Agriculture for such canned food, since the contents occupied less than 90 per cent of the volume of the closed container and the label did not bear a plain and conspicuous statement prescribed by the Secretary, indicating that it fell below such standard.

On March 9, 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.*

19709. Adulteration of celery. U. S. v. 352 Crates, et al., of Celery. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 27949, 27975. I. S. Nos. 43173, 43178. S. Nos. 6001, 6003.)

Arsenic having been found on samples of celery taken from the shipments involved in these actions, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On March 22 and March 24, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 704 crates of celery, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about March 17, 1932, and in part on or about March 19, 1932, by Chase & Co., from Sanford, Fla., to Philadelphia, Pa., and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Precooled and Each Stalk Washed, Chase & Co., Sanford, Florida."

It was alleged in the libels that the article was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On March 23 and March 24, 1932, Fred Morinelli, jr., Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were 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 bonds totaling \$2,400, conditioned in part that it should not be sold or otherwise disposed of contrary to the laws of the United States or of any State, Territory, District, or insular possession, and that it should be reconditioned under the supervision of this department. In supervising the reconditioning this department required the complete removal of the arsenic by washing or other means.

HENRY A. WALLACE, *Secretary of Agriculture.*

19710. Adulteration of tomato catsup. U. S. v. 553 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27192. I. S. No. 37005. S. No. 5360.)

Samples of canned tomato catsup involved in this action were found to contain excessive mold.

On November 2, 1931, the United States attorney for the Northern District of Texas, 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 553 cases of tomato catsup at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce, on or about September 19, 1931, by the Smith Canning Co., from Layton, Utah, to Fort Worth, Tex., and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Victor Brand Catsup * * * Packed by Smith Canning Co., Clearfield, Utah."