

**19748. Adulteration of dressed poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27777. I. S. No. 53008. S. No. 5875.)**

Samples of dressed poultry from the shipment herein described having been found to be diseased and partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 26, 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 one barrel of poultry, containing 37 birds, at Chicago, Ill., alleging that the article had been shipped on or about February 16, 1932, by F. M. Priest & Sons, St. James, Minn., that it was consigned by Butterfield Creamery & Produce Co., Butterfield, Minn., that it had been transported from the State of Minnesota into the State of Illinois, and that it was adulterated 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, filthy, and putrid animal substance and in that it consisted of portions of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court, ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19749. Adulteration and misbranding of canned frozen eggs. U. S. v. 597 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27802. I. S. No. 50623. S. No. 5829.)**

This action was based on the interstate shipment of a quantity of canned frozen eggs, samples of which were found to contain an excessive amount of the white of eggs.

On or about March 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 597 cans of frozen eggs at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from South Omaha, Nebr., on or about December 12, 1931, and had been transported from the State of Nebraska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed."

It was alleged in the amended libel that the article was adulterated in that a substance, added egg whites, had been mixed and packed with and substituted in whole or in part for the article.

Misbranding was alleged for the reason that the designation "Mixed" was false and misleading, and deceived and misled the purchaser when applied to mixed eggs containing an added ingredient, to wit, egg whites.

On April 2, 1932, Swift & Co., claimant, having filed a claim and answer for the property, and having admitted the allegations of the amended libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19750. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27268. I. S. No. 45816. S. No. 5408.)**

This action involved the interstate shipment of a quantity of candy, in which a hard marble was embedded and concealed in each piece.

On November 21, 1931, the United States attorney for the Southern District of Mississippi, 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 23 boxes of candy, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about March 7, 1929, by the Huggins Candy Co., from Nashville, Tenn., to Meridian, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing

Marble Taffy \* \* \* Huggins Candy Company \* \* \* Nashville, Tennessee."

It was alleged in substance in the libel that the article had been shipped in interstate commerce in violation of the section and paragraph of the act applicable to confectionery, in that it contained an ingredient, namely, hard marbles, deleterious or detrimental to health. It was further alleged that the article was in violation of the section and paragraph of the act applicable to food in that it contained an added deleterious ingredient which might have rendered it injurious to health.

On May 1, 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.*

**19751. Adulteration of canned sweetpotatoes. U. S. v. 254 Cases, et al., of Canned Sweetpotatoes. Default decrees of destruction entered.** (F. & D. Nos. 27822, 27894, 27898, 27952. I. S. Nos. 47060, 47504, 47521, 50877, 52115, 52116. S. Nos. 5931, 5941, 5943, 6009.)

Samples of canned sweetpotatoes from the shipments involved in these actions having been found to be partly decomposed, the Secretary of Agriculture reported the matter to the various United States attorneys in whose districts the product was located.

Between the dates of March 9, 1932 and March 26, 1932, the United States attorneys for the District of Minnesota, the District of Nebraska, and the Northern District of Illinois, filed in the United States District Courts for their respective districts libels praying seizure and condemnation of 606 cases of the said canned sweetpotatoes in various lots at St. Paul, Minn., Omaha, Nebr., and Chicago, Ill., respectively. It was alleged in the libels that the article had been shipped in part by John W. Taylor and in part by the John W. Taylor Packing Co. from Hallwood, Va., between the dates of September 8, 1931 and November 12, 1931, that it had been transported from the State of Virginia into the States of Minnesota, Nebraska, and Illinois, respectively, and that it was adulterated in violation of the food and drugs act. The article was labeled in part, variously: (Cans) "N. J. C. Pure Food Brand Sweet Potatoes;" "Yellowstone Brand Sweet Potatoes;" "Barco Brand Sweet Potatoes;" or "Sunny Brand Sweet Potatoes."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 20, April 22, and April 29, 1932, no claimant having appeared in the cases, judgments were entered in the various district courts ordering that the product be destroyed by the United States marshals.

HENRY A. WALLACE, *Secretary of Agriculture.*

**19752. Adulteration of bluefins. U. S. v. 10 Boxes of Fish (Bluefins). Decree of destruction entered.** (F. & D. Nos. 27978, 27979. I. S. Nos. 53421, 53422, 53426. S. Nos. 6023, 6024.)

Samples of bluefins taken from the shipments involved in this action were found to be infested with parasitic worms.

On April 2, 1932, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the districts aforesaid a libel praying seizure and condemnation of 10 boxes of bluefins at Covington, Ky., which had been consigned by the Hogstad Fish Co., Duluth, Minn., in part on March 27, and in part on March 28, 1932. It was alleged in the libel that the article had been shipped in interstate commerce from Duluth, Minn., to Covington, Ky., that it remained unsold in the original packages, and that it was adulterated in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted of portions of animals unfit for food.

On April 2, 1932, no claimant having appeared for the property, and the court having found that the fish were spoiled and unfit for human consumption, judgment was entered ordering that they be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*