

On April 2, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22281. Adulteration of sardines. U. S. v. 84 Cartons of Canned Sardines. Consent decree of condemnation and destruction. (F. & D. no. 31840. Sample no. 61678-A.)

This case involved a shipment of canned sardines which were in part decomposed.

On January 16, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 84 cartons of canned sardines at Pittsburgh, Pa., alleging that the article had been shipped by the California Packing Corporation, from San Francisco, Calif., on or about November 15, 1933, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Argo California Sardines * * * California Packing Corporation, San Francisco, California."

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

On April 4, 1934, the sole intervener, the California Packing Corporation, having requested that the case be allowed to go by default, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22282. Adulteration and misbranding of olives. U. S. v. 419 Cases of Olives. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31846. Sample no. 65301-A.)

This case involved a shipment of olives which were found to be in part wormy. Examination also showed that the drained weight of the olives was less than 8 ounces, the weight declared on the label.

On January 19, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 419 cases of olives at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 24, 1933, by John Magee & Co., Inc., from Saybrook, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Selected Olives Packed by John Magee and Co., Inc., Eight Fl. Oz. New York."

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for the article, and in that it consisted in part of a filthy vegetable substance.

Misbranding was alleged for the reason that the statement, "Eight Fl. Oz.", borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it 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 quantity stated was incorrect.

On April 17, 1934, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

22283. Misbranding of canned peaches. U. S. v. 19 Cases of Canned Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31867. Sample no. 60523-A.)

This case involved a shipment of canned peaches which were below the standard established by this Department, and which were not labeled to show that they were substandard.

On January 20, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of canned peaches at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about December 28, 1933, by Hunt Bros. Packing Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Premio Brand Yellow Cling Peaches, Packed by Hunt Brothers Packing Company, San Francisco, Calif."