

label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard.

On September 7 and 19, 1934, no answer having been filed to the libels covering two of the lots, the goods seized thereunder were condemned and destroyed. On October 9, 1934, the Hazlehurst Canning Co., having filed a claim to the remaining lot and having filed an answer admitting the allegations of the libel, judgment of condemnation was entered and the court ordered the goods released to the claimant upon payment of costs and the execution of a bond in the sum of \$532, conditioned that it be relabeled under the supervision of this Department.

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

23908. Adulteration of butter. U. S. v. 5 Boxes of Butter. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 32635. Sample nos. 67945-A, 67948-A.)

This case involved an interstate shipment of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On April 10, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about March 29, 1934, by Klossner Gibbon Creamery, Klossner, Minn., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Great Atlantic & Pacific Tea Company." The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On June 26, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

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

23909. Misbranding of canned tomatoes. U. S. v. 781 Cases and 241 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33120. Sample nos. 4376-B, 4377-B.)

This case involved an interstate shipment of canned tomatoes which fell below the standard established by this Department because of poor color and which were not labeled to show that they were substandard. The article was also falsely branded as to the name of the manufacturer and the place of manufacture.

On July 26, 1934, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,022 cases of canned tomatoes at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 27, 1934, by the Hazlehurst Canning Co., from Hazlehurst, Miss., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Shaver's Brand Hand Packed Tomatoes * * * Packed by H. A. Shaver, Inc., Lakeland, Fla."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture because of poor color and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department, indicating that it fell below such standard. Misbranding was alleged for the further reason that the statement on the label, "Packed by H. A. Shaver, Inc., Lakeland, Fla.", was false and misleading and tended to deceive and mislead the purchaser since it was packed in Hazlehurst, Miss.

On December 4, 1934, Davis-Mize & Co., Memphis, Tenn., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

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

23910. Misbranding of olive oil. U. S. v. 120 Tins of Olive Oil. Default decree of condemnation and forfeiture. Product delivered to a public institution. (F. & D. no. 33124. Sample no. 664-B.)

Sample cans of olive oil taken from the shipment involved in this case were found to contain less than 1 gallon, the volume declared on the label.

On July 26, 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 120 tins of olive oil at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 28, 1934, by the Fair Oaks Fruit Co., from Fair Oaks, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Contents One Gallon San Juan Brand Pure Olive Oil, Fair Oaks, Fruit Co., Fair Oaks, Calif."

The article was alleged to be misbranded in that the statement on the label, "Net Contents One Gallon", was false and misleading and tended to deceive and mislead 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 incorrect.

On December 24, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be delivered to a public institution.

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

23911. Adulteration of gaffelbiter (fish). U. S. v. 19 Cases of Imported Gaffelbiter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 33134. Sample no. 2604-B.)

This case involved a shipment of gaffelbiter (fish) that were found to be decomposed due to secondary fermentation.

On July 28, 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 19 cases, each containing 12 jars of gaffelbiter, at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about May 21, 1934, by Joannes Bros. Co., from Green Bay, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hanson's Imported Gaffelbiter 5-Oz.-Hanson Fish Products Co. Duluth, Minn."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 26, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

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

23912. Adulteration of canned sardines. U. S. v. 6½ Cases of Canned Sardines. Default decree of condemnation and destruction. (F. & D. no. 33135. Sample no. 6106-B.)

This case involved a shipment of canned sardines which were found to be underprocessed and decomposed.

On July 31, 1934, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6½ cases of canned sardines at Ocilla, Ga., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Wass & Stinson Canning Co., from Waukegan, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Beach Cliff Brand Maine Sardines * * * Packed by Wass & Stinson Canning Co. Prospect Harbor, Maine."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On November 17, 1934, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

23913. Misbranding of alfalfa leaf meal. U. S. v. 225 Bags of Alfalfa Leaf Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 33136. Sample no. 8326-B.)

This case involved a shipment of alfalfa leaf meal that contained less protein and more fiber than declared on the label. The article was also falsely labeled as to the name of the manufacturer.