

and in possession of S. C. Wooster, Albany, N. Y., alleging that the product had been shipped by Jasper Wyman & Son, Millbridge, Me., and transported in interstate commerce from the State of Maine into the State of New York, and charging misbranding in violation of the Food and Drugs Act. The product was labeled (on cases and cans): "Hunter Brand Little Neck Clams, Packed by Jasper Wyman & Son at Millbridge, Washington Co., Me., U. S. A., Extra Quality. * * *"

Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above, when, as a matter of fact and in truth, the said cases or boxes and cans hereinbefore referred to, did not contain little-neck clams, so-called, but the clams therein contained were of an inferior character and kind and were not of the kind commonly known and called little-neck clams, all of which was calculated to deceive and mislead the purchaser thereof, and further, the said label and the words written or printed thereon were false and misleading and constituted a misbranding within the meaning of the act aforesaid.

On April 26, 1912, the said Jasper Wyman & Son, claimant, having appeared by attorney and filed no answer, and having conceded the truth of the allegations in the libel, and the libelant and respondent having agreed as to the facts in the case, and same having been submitted to the court, a jury having been waived and witnesses having been sworn and given testimony in behalf of the libelant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be restored to said claimant upon payment of all the costs in the proceeding, taxed at \$15.45, and the execution of bond in the sum of \$300, in conformity with section 10 of the act.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2836. Adulteration of dried eggs. U. S. v. 10 Boxes of Dried Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 3600. S. No. 1322.)

On March 23, 1912, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of dried eggs, remaining unsold in the original unbroken packages and in the possession of John D. Parsons, Albany, N. Y., alleging that the product had been shipped from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libel for the reason that it was declared by the invoices thereof to be dried eggs, when, in truth and in fact, the said article consisted in whole or in part of filthy, decomposed, and putrid animal substances and thereby was unfit for food.

On May 26, 1912, no claimant having appeared for the property, although C. H. Weaver & Co., Chicago, Ill., the owners of the dried eggs, were duly warned to appear, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceeding, taxed at \$30.90, should be paid by the said C. H. Weaver & Co.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 3, 1914.*

2837. Misbranding of bitters. U. S. v. S. Hirsch Distilling Co. (Minuet Cordial Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 3608. I. S. No. 17343-c.)

On July 19, 1912, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the S. Hirsch Distilling Co., a corporation, Kansas City, Mo., doing business under the trade name of Minuet Cordial