

5404. Adulteration of sardines. U. S. * * * v. 75 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7935. L. S. No. 2537-m. S. No. E-779.)

On December 22, 1916, the United States attorney for the Southern 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 75 cases, each containing 100 cans of sardines, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 13, 1916, by L. D. Clark & Son, Eastport, Me., and transported from the State of Maine into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clark Brand American Sardines in Cottonseed oil. * * * Packed at Eastport, Washn. Co. Maine by L. D. Clark & Son."

Adulteration of the article was alleged in the libel for the reason that it consisted in particular, wholly or in part, of a decomposed animal substance, to wit, decomposed fish.

On January 10, 1917, no claimant having appeared for the property, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*