

6063. Adulteration of sardines. U. S. * * * v. 875 Cases * * * and 125 Cases of Sardines. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8640. I. S. Nos. 2642-p, 10418-p. S. No. C-771.)

On December 11, 1917, the United States attorney for the Western District of Louisiana, 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 875 cases of sardines in oil, and 125 cases of sardines in mustard sauce, remaining unsold in the original unbroken packages at Shreveport, La., alleging that the article had been shipped on or about October 25, 1917, by the E. A. Holmes Packing Co., Eastport, Me., and transported from the State of Maine into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "* * * Holmes American Sardines. * * * Packed by E. A. Holmes Pkg. Co., Eastport, Maine," and "E. A. Holmes Brand, Medal, packed at Eastport, Washington County, Maine, by E. A. Holmes Packing Company * * *."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a decomposed animal substance.

On March 1, 1918, the case having come on for final disposition, and the said E. A. Holmes Packing Co., claimant, having admitted the allegations of the libel as to the 875 cases of sardines packed in oil, and the United States attorney having admitted that the 125 cases of sardines packed in mustard were not adulterated, as alleged, judgment of condemnation and forfeiture was entered as to the 875 cases aforesaid, and it was ordered by the court that the said sardines might be released to the claimant company upon the payment of the costs of the proceedings, and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the 875 cases should be examined under the supervision of a representative of this department, and that the good portion, if any, be separated from the bad, and that those found to be free from adulteration be forthwith delivered to said claimant, and those found to be adulterated should forthwith be destroyed or denatured at the expense of said claimant company. It was further ordered by the court that the 125 cases packed in mustard, which were not adulterated as alleged in the libel, should be released and delivered to said claimant company.

CARL VROOMAN, *Acting Secretary of Agriculture.*