

10332. Adulteration and misbranding of sparkling Burgundy and extra dry champagne. U. S. * * * v. 10 Cases of * * * Sparkling Burgundy * * * and 10 Cases of * * * Extra Dry Champagne * * * Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 13778. I. S. Nos. 13057-t, 13058-t. S. No. C-2552.)

On October 12, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 cases of sparkling Burgundy and 10 cases of extra dry champagne, remaining in the original unbroken packages at Memphis, Tenn., alleging that the articles had been shipped by H. G. Mumm & Co., Cincinnati, Ohio, on or about July 16, 1920, and transported from the State of Ohio into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: "H. G. Mumm & Co. Sparkling Burgundy Non-Alcoholic * * *," and "H. G. Mumm & Co. Extra Dry Champagne Non-Alcoholic * * *"

Adulteration of the articles was alleged in the libels for the reason that artificially carbonated imitation wine, or champagne, as the case might be, had been mixed and packed with and substituted wholly for sparkling Burgundy or extra dry champagne. Adulteration was alleged for the further reason that the said articles had been colored in a manner whereby their damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the labels of the said articles bore the statements, respectively, "H. G. Mumm & Co. Sparkling Burgundy" and "H. G. Mumm & Co. Extra Dry Champagne," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles, and for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On March 9, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10333. Adulteration of canned salmon. U. S. * * * v. 498 Cases of Antler Brand Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14379. I. S. No. 3079-t. S. No. C-2738.)

On January 31, 1921, the United States attorney for the Western District of Tennessee, 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 498 cases of Antler Brand canned salmon, remaining in the original unbroken packages at Memphis, Tenn., alleging that the article had been shipped by the Cascade Packing Co., Anacortes, Wash., on or about January 23, 1920, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Antler Brand Chum Salmon * * *"

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 9, 1922, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10334. Adulteration of shell eggs. U. S. * * * v. Robert Lee Tucker (R. L. Tucker). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14549. I. S. Nos. 341-t, 347-t.)

On June 8, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert Lee Tucker, trading as R. L. Tucker, Ralston, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 14, 1920, from the State of Oklahoma into the State of Kansas, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of the 3 cases involved in the consignments, each case containing 360 eggs, showed the following results:

	Two cases.	One case.
Black rots.....	7	3
Mixed or white rots.....	87	40
Spot rots.....	7	1
Blood rings, heavy.....	64	1
Blood rots.....	37	6
Chick rots 7 to 12 days.....	28
Total inedible eggs.....	230	51
Per cent of inedible eggs.....	31.94	14.1

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10335. Adulteration of shell eggs. U. S. * * * v. William E. Seaman (Seaman Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 14550. I. S. No. 336-t.)

On May 31, 1921, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Seaman, trading as the Seaman Produce Co., Ponca City, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 7, 1920, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 4 cases taken from the consignment, each case containing 360 eggs, showed the presence of 255, or 17.7 per cent, inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, heavy blood rings, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 25, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10336. Adulteration of walnut meats. U. S. * * * v. 20 Boxes * * * of English Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15360. I. S. No. 317-t. S. No. C-3202.)

On September 2, 1921, the United States attorney for the Northern District of Illinois, 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 20 boxes of English walnut meats, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article, a rejected shipment, had been shipped from Sioux Falls, S. D., August 25, 1921, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 8, 1922, T. M. Duche & Sons, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be labeled as follows: "Not to be used for food, or for the manufacture of food articles."

C. W. PUGSLEY, *Acting Secretary of Agriculture.*