

labeled in part: "Thomas Brand Strawberry Pulp Contents 7 Lbs. Packed by Thomas Canning Co., Grand Rapids, Mich."

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 July 28, 1922, no claimant having appeared for the property, judgment of the court was entered ordering the destruction of the product by the United States marshal.

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

**11289. Adulteration of shelled walnuts. U. S. v. 20 Cases of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17047. I. S. No. 233-v. S. No. E-4247.)

On December 19, 1922, 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 praying the seizure and condemnation of 20 cases of shelled walnuts at New York, N. Y., alleging that the article had been shipped by the Central Cold Storage Co., Chicago, Ill., November 4, 1921, and transported 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 article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On January 23, 1923, 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.*

**11290. Adulteration and misbranding of tuna fish. U. S. v. 176 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and sale or destruction.** (F. & D. No. 12230. I. S. No. 8763-r. S. No. C-1807.)

On March 6, 1920, 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 a libel praying seizure and condemnation of 176 cases of tuna fish, remaining unsold in the original unbroken packages at Clinton, Okla., alleging that the article had been shipped by the Kingsbury-Haynes Brokerage Co., Dallas, Tex., on or about December 22, 1919, and transported from the State of Texas into the State of Oklahoma, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "48 Halves Regent Brand Tuna Fish Packed at San Pedro, California by Nielsen & Kittle Canning Co." The remainder of the said article was labeled in part: (Case) "48 Halves \* \* \* Tuna." The cans within the case were labeled in part: "First Pick Brand Tuna Fish Contents 7 Oz."

Adulteration of the article was alleged for the reason that fish other than tuna fish had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels on the cans containing the article bore the statement, "First Pick Brand Tuna," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the deceptive [distinctive] name of another article.

On January 30, 1923, 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 sold by the United States marshal. It was provided in the decree that the purchaser execute a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned that the product be not sold thereafter until it had been relabeled under the supervision of this department. It was further ordered in the decree that the product be destroyed by the marshal if there were no bids offered at the sale and that the intervenor, the Nielsen & Kittle Canning Co., Ltd., East San Pedro, Calif., pay the costs of the proceedings.

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

**11291. Misbranding of meat scraps. U. S. v. Swift & Co., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 14927. I. S. No. 11561-t.)

On January 25, 1922, 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 an information against