

Misbranding was alleged for the reason that the package or label bore a statement, design, and device, regarding the said article and the ingredients and substances contained therein. to wit. "Kuality * * * Sauer Kraut Contents 2 Lb.," together with a design showing a whole cabbage, which were false and misleading and deceived and misled the purchaser.

On June 21, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11635. Adulteration and misbranding of frozen eggs. U. S. v. 59 Cans, et al., of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17184. I. S. No. 261-v. S. No. E-4285.)

On January 19, 1923, the United States attorney for the District of New Jersey, 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 59 30-pound cans, 6 60-pound cans, 13 50-pound cans, and 102 35-pound cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped by the Eastern States Refrigerating Co., Montclair, Md., on or about December 8, 1922, and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

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 animal substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 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.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11636. Adulteration and misbranding of canned shrimp. U. S. v. 100 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17216. I. S. No. 231-v. S. No. E-3249.)

On February 2, 1923, the United States attorney for the Eastern 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 100 cases of canned shrimp, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Waldmeier Packing Co., from New Orleans, La., on or about October 25, 1922, and transported from the State of Louisiana into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Bull Dog Brand * * * Barataria Shrimp * * * Contents 5 3/4 Ozs. Wet Pack Packed By Waldmeier Packing Co. New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the label of the cans containing the article. "Shrimp * * * Contents 5 3/4 Ozs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 24, 1923, the H. C. Bohack Co., Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon 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 it be relabeled "Slack Filled. A can of this size should contain 5 3/4 oz. cut-out weight of shrimp. This can actually contains 4 2/3 ozs. of shrimp."

HOWARD M. GORE, *Acting Secretary of Agriculture.*