

**11688. Adulteration of walnut meats. U. S. v. 8 Cases and 6 Cases of Walnut Meats. Product released under bond to be sorted. Decree of condemnation, forfeiture, and destruction with respect to the bad portion. Good portion released to claimant. (F. & D. No. 17259. I. S. Nos. 8330-v, 8331-v. S. No. W-1310.)**

On February 8, 1923, the United States attorney for the Western District of Washington, 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 14 cases of walnut meats at Seattle, Wash., consigned by the Magnus Fruit Products Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., in part on or about December 11, 1922, and in part on or about January 19, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Selected Dark Amber Meats 50 Net \* \* \* Magnus Fruit Products Co. 301 Howard St. San Francisco, Calif." The remainder of the said article was labeled in part: (Case) "Dark Amber Meats \* \* \* Magnus Fruit Products Co."

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

On April 6, 1923, the Magnus Fruit Products Co., San Francisco, Calif., having appeared as claimant for the property, and an order of the court having been theretofore entered permitting the release of the product under bond to be reconditioned, and the result of the reconditioning having shown that 620 pounds of the product were good and not in violation of law and that 30 pounds thereof were adulterated, a decree of condemnation and forfeiture was entered with respect to the said 30 pounds of the product, and it was ordered by the court that it be destroyed by the United States marshal and that the remaining 620 pounds be released to the said claimant.

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

**11689. Adulteration and misbranding of canned oysters. U. S. v. 160 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17446. I. S. No. 5517-v. S. No. C-3963.)**

On April 5, 1923, the United States attorney for the District of Minnesota, 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 160 cases of canned oysters, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Dixie Fruit Products Co., from Mobile, Ala., February 15, 1923, and transported from the State of Alabama into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "University Brand \* \* \* Oysters Net Weight 10 Ozs."

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

Misbranding was alleged for the reason that the statement appearing in the labeling, "Oysters Net Weight 10 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 June 5, 1923, the Dixie Fruit Products Co., Mobile, Ala., having appeared as claimant for the property and having 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 \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture*

**11690. Adulteration of coal-tar color. U. S. v. 1 Can, et al., of Red Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14661, 14662. I. S. Nos. 3691-t, 5847-t. S. Nos. E-3191, E-3202.)**

On May 3, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and

condemnation of 2 cans of red coal-tar color, 1 can each at Irwin and Dubois, Pa., respectively, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 28, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net \* \* \* W. B. Wood Mfg. Co. \* \* \* St. Louis, Mo. \* \* \* Complies With All Requirements \* \* \* Quality Color \* \* \* Number 112 Contents Red."

Adulteration of the article was alleged in the labels for the reason that sodium sulphate and sodium chlorid had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, namely, arsenic, which might render it injurious to health.

On June 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were 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.*

**11691. Adulteration and misbranding of sirup. U. S. v. Wm. T. Bailey, John R. Bailey, and Fred O. Bailey (Marshalltown Syrup & Sugar Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 15445. I. S. Nos. 2101-t, 2102-t, 3469-t.)**

On May 16, 1922, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wm. T. Bailey, John R. Bailey, and Fred O. Bailey, copartners, trading as the Marshalltown Syrup & Sugar Co., Marshalltown, Iowa, alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 21, 1920, from the State of Iowa into the State of Minnesota, of quantities of sirup which was adulterated and misbranded. A portion of the article was labeled in part: (Cans) "Dickinson's Pure Syrup \* \* \* Put Up By Marshalltown Syrup & Sugar Co. Marshalltown, Iowa 50% Maple and 50% Cane." The remainder of the article was labeled in part: (Bottles) "R. M. Dickinson's 1 Full Quart Cane and Maple Syrup 50% Cane 50% Maple Put Up By Marshalltown Syrup & Sugar Co. Marshalltown, Iowa."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained not more than one-third maple or maple sugar sirup. Examination of the quart bottles showed an average shortage in the contents of the bottles examined of 3.9 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in maple sirup had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for a product composed of 50 per cent of maple sirup and 50 per cent of cane sirup, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Pure Syrup \* \* \* 50% Maple and 50% Cane," borne on the labels attached to the cans containing a portion of the article, and the statements, to wit, "Cane and Maple Syrup 50% Cane 50% Maple" and "1 Full Quart," borne on the labels attached to the bottles containing the remainder thereof, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained not less than 50 per cent of maple sirup and that each of the said bottles contained 1 quart of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of maple sirup and that each of the said bottles contained not less than 1 quart of the said article, whereas, in truth and in fact, the said article did contain less than 50 per cent of maple sirup and each of the said bottles did contain less than 1 quart of the article. Misbranding was alleged with respect to the product contained in the alleged quart bottles for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 28, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

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