

13068. Adulteration and misbranding of tuna fish. U. S. v. 850 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18873. I. S. No. 12951-v. S. No. E-4852.)

On July 2, 1924, 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 850 cases of tuna fish, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Curtis Corporation, from Long Beach, Calif., April 22, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Curtis Quality White Tuna Meat Packed By The Curtis Corporation, Long Beach, Cal. 6½ Oz. Net Contents."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been substituted in part for the said article.

Misbranding was alleged for the reason that the packages containing the article bore a statement "Tuna," which was false and misleading when applied to a product which contained excessive cottonseed oil and was deficient in fish, for the further reason that it was labeled so as to deceive and mislead the purchaser, in that it contained excessive cottonseed oil, and for the further reason that the contents of the packages containing the article were not plainly and correctly stated on the outside thereof.

On January 23, 1925, Daniel Reeves (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel 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 \$8,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by pasting on the labels a sticker bearing the statements "Slack Filled. Contents 4¾ Ounces Tuna Meat. Should contain not less than 5½ ounces Tuna Meat. Contents Tuna and Oil 6½ ounces."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13069. Adulteration and misbranding of cottonseed meal. U. S. v. Elk City Cotton Oil Co. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19301. I. S. No. 5247-v.)

On January 23, 1925, 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 the Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about February 8, 1924, from the State of Oklahoma into the State of New Mexico, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "Elko Brand Cotton Seed Cake or Meal Elk City Cotton Oil Co. Elk City, Okla. Guaranteed Analysis Crude Protein (minimum) 43 per cent * * * Crude Fibre (maximum) 10 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.5 per cent of protein and 11.5 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 43 per cent of crude protein and more than 10 per cent of crude fiber had been substituted for a substance guaranteed to contain not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cotton Seed Cake or Meal * * * Guaranteed Analysis Crude Protein (minimum) 43 per cent * * * Crude Fibre (maximum) 10 per cent," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein and not more than 10 per cent of crude fiber, whereas said article contained less than 43 per cent of crude protein and more than 10 per cent of crude fiber.

On February 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13070. Adulteration of canned sardines. U. S. v. 21 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19379. I. S. No. 16945-v. S. No. E-5046.)

On December 12, 1924, the United States attorney for the District of Massachusetts, 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 21 cases of sardines, remaining in the original unbroken packages at Boston, Mass., consigned by the Bayshore Sardine Co., Columbia, Me., alleging that the article had been shipped from Columbia, Me., August 20, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "B. & S. Brand American Sardines in Cotton Seed Oil Packed By Bayshore Sardine Co. Addison, Me."

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

On January 29, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13071. Adulteration of canned tomatoes. U. S. v. 99 Cases of Canned Tomatoes. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 19388. I. S. No. 13406-v. S. No. E-5049.)

On December 18, 1924, 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 99 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Thos. Roberts & Co., from McDaniel, Md., on or about October 31, 1924, and transported from the State of Maryland 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 a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On February 5, 1925, 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 delivered to a charitable institution for consumption but not for sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13072. Misbranding of digester tankage. U. S. v. 91 Sacks of Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19036. I. S. No. 9107-v. S. No. C-4498.)

On September 29, 1924, the United States attorney for the District of Indiana, 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 91 sacks of digester tankage, remaining in the original unbroken packages at Orestes, Ind., alleging that the article had been shipped by G. A. Tasker Co., Blue Island, Ill., on or about September 28, 1924 [March 6, 1924], and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "100 Lbs. Byutico Brand Digester Tankage Analysis Protein 60.00% * * * Manufactured By By-Products Utilization Co. Factory Chicago, Ill."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 60.00%," borne on the said sacks, was false and misleading and was calculated to deceive and mislead the purchaser, in that the said product did not contain 60 per cent of protein but did contain a smaller amount.