

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.