

13432. Adulteration and misbranding of evaporated apples. U. S. v. 14 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19911. I. S. No. 22237-v. S. No. E-5188.)

On March 18, 1925, the United States attorney for the District of Maine, 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 evaporated apples, remaining in the original unbroken packages at Lewiston, Me., alleging that the article had been shipped by the A. B. Williams Fruit Co., Sodus, N. Y., on or about January 15, 1925, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Queen Quality Evaporated Apples Sulphured A. B. Williams Fruit Co. Sodus * * * N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement borne on the cases, "Evaporated Apples," was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 21, 1925, the F. G. Davis Co., Lewiston, Me., 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 \$300, in conformity with section 10 of the act.

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

13433. Adulteration and misbranding of canned tuna. U. S. v. 3 Cases and 22 Cans of Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19968. I. S. No. 14150-v. S. No. E-5194.)

On March 27, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 3 cases and 22 cans of tuna, remaining in the original unbroken packages at Shenandoah, Pa., consigned by M. De Bruyn Importing Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about March 21, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Juanita Brand California Tuna Standard All Light Meat * * * Selected Quality Packed For Discriminating Trade Only."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, 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.

Misbranding was alleged for the reason that the packages inclosing the article contained labels bearing the statements "California Tuna Standard All Light Meat" and "Selected Quality for Discriminating Trade Only," which were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 20, 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.*

13434. Adulteration and misbranding of canned tomatoes. U. S. v. 617 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20008. I. S. No. 15601-v. S. No. E-5290.)

On April 16, 1925, 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 a libel praying the seizure and condemnation of 617 cases of canned tomatoes, at Pittsburgh, Pa., alleging that the article had been shipped by Thomas Roberts & Co., Inc.,

from McDaniel, Md., on or about October 15, 1924, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article consisted of five brands of tomatoes, labeled in part, respectively: (Can) "Maryland's Finest Brand Tomatoes Packed By The Shannahan Canning Co. McDaniel, Md."; "Rich Neck Brand Tomatoes Packed By Carroll & Warner, McDaniel, Md."; "Yum-Yum Tomatoes"; "S-C-S Brand Tomatoes Extra Standard * * * Packed By The Shannahan Canning Co. McDaniel, Md."; and "Soughtafter Brand Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes," together with the cut of a red ripe tomato, appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 15, 1925, Thomas Roberts & Co. (Inc.), McDaniel, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, ordering the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

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

13435. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20046. I. S. No. 20889-v. S. No. W-1702.)

On April 25, 1925, the United States attorney for the District of Colorado, 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 oysters, remaining in the original unbroken packages at Denver, Colo., consigned by Foster, Fountain Co., Biloxi, Miss., alleging that the article had been shipped from Biloxi, Miss., on or about December 3, 1924, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Riviera Brand Oysters Contents 4 Oz. Packed By C. B. Foster Packing Co. Inc. Biloxi, Miss."

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 part for the said article.

Misbranding was alleged for the reason that the statement "Contents 4 Oz.," borne on the cans containing the article, was false and misleading and deceived and misled the purchaser, in that the net contents of oysters in each of said cans was less than 4 ounces. 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, in that the quantity stated was not correct.

On May 28, 1925, the Morey Mercantile Co., Denver, Colo., 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 \$750, in conformity with section 10 of the act.

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

13436. Adulteration and misbranding of olive oil. U. S. v. 36 Quarts and 12 ½-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20048. I. S. No. 14154-v. S. No. E-5306.)

On April 29, 1925, the United States attorney for the Eastern District of Pennsylvania, 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 36 quarts and 12 half-gallon cans of olive oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Pace & Son, Providence, R. I., alleging that the article had been shipped