

It was alleged in the libel that the article was adulterated in that a substance, excess shell, 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 "Pure Cocoa Powder" was false and misleading and deceived and misled the purchaser.

On July 7, 1928, E. & A. Opler (Inc.), 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 costs and the execution of a bond in the sum of \$300, conditioned in part that it be re-labeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16106. Misbranding of figs. U. S. v. 25 Cases, et al., of Figs. Default decrees of condemnation and forfeiture. Product ordered destroyed or delivered to charitable institutions. (F. & D. Nos. 23122, 23123, 23124. I. S. Nos. 0736, 0737, 0738, 0739. S. No. 1221.)

On October 6, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 80 cases of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Farnsworth & Ruggles, from San Francisco, Calif., on or about September 18, 1928, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Giebeler's Fancy California Figs Grown and Packed by Giebeler's Fig Gardens, Merced, Calif. Net Weight 8 Oz. (or "Net Weight 4 Oz. When Packed") White California Figs."

It was alleged in the libels that the article was misbranded in that the statements "Net Weight 8 oz." and "Net Weight 4 oz.," where they appeared on the package labels, were 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 packages, since the quantity stated was not correct.

On November 13, 1928, 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 or delivered to charitable institutions by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16107. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Consent decree of condemnation and destruction entered. (F. & D. No. 22953. I. S. No. 02822. S. No. 1021.)

On August 7, 1928, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 barrel of frozen poultry, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Armour Creameries, Boonville, Mo., on or about July 17, 1928, and transported from the State of Missouri into the State of Connecticut, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 25, 1928, the owner of the product 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 destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16108. Adulteration and misbranding of cocoa powder. U. S. v. 175 Barrels of Cocoa Powder. Decree of condemnation entered. Product released under bond. (F. & D. No. 22644. I. S. No. 17480-x. S. No. 624.)

On March 15, 1928, 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 seizure

and condemnation of 175 barrels of cocoa powder, remaining in the original unbroken packages at Seattle., Wash., alleging that the article had been shipped by the Pacific Cocoa Co., from Portland, Oreg., February 7, 1928, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "E. & A. Opler, Inc., American Brand Pure Cocoa Powder, Chicago."

It was alleged in the libel that the article was adulterated in that a substance, excessive crude fiber and shell, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in that the designation "Pure Cocoa Powder" was false and misleading and deceived and misled the purchaser.

On July 7, 1928, the E. & A. Opler (Inc.), Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant for relabeling under the supervision of this department, provided the claimant execute a bond in the sum of \$100 to insure that the product be disposed of in accordance with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16109. Misbranding of tomato paste. U. S. v. 244 Cases of Tomato Paste. Decree of condemnation entered. Product released under bond.
(F. & D. No. 22798. I. S. No. 24005-x. S. No. 836.)

On or about May 26, 1928, the United States attorney for the Western 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 seizure and condemnation of 244 cases of tomato paste, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the La Sierra Heights Canning Co., Arlington Calif., alleging that the article had been shipped from Arlington, Calif., on or about December 15, 1927, and transported from the State of California into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Salsa Di Pomodoro * * * Packed by La Sierra Heights Canning Company, Arlington, Cal. Naples Style Tomato Paste."

It was alleged in the libel that the article was misbranded in that the statement "Salsa Di Pomodoro Tomato Paste" was false and misleading and deceived and misled the purchaser.

On August 20, 1928, the Progressive Italian Importing Co., Brooklyn, N. Y., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, conditioned in part that it be relabeled, the words "Artificially Colored" to appear on said label in a conspicuous manner, and it was further ordered by the court that the claimant pay the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16110. Adulteration of frozen poultry. U. S. v. 1 Barrel of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction.
(F. & D. No. 23117. I. S. No. 02860. S. No. 1215.)

On October 5, 1928, 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 seizure and condemnation of 1 barrel of frozen poultry at New York, N. Y., alleging that the article had been shipped by Naive Spillers, from Nashville, Tenn., on or about September 13, 1928, and transported from the State of Tennessee into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On October 20, 1928, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*