

16499. Adulteration and misbranding of linseed meal. U. S. v. 16 Sacks of Linseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22407. I. S. No. 18701-x. S. No. 496.)

On January 28, 1928, the United States attorney for the Middle 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 seizure and condemnation of 16 sacks of linseed meal, remaining in the original unbroken packages at Williamsport, Pa., alleging that the article had been shipped by the Mann Bros. Co., from Buffalo, N. Y., on or about October 29, 1927, 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: "34% Protein Pure Old Process Linseed Meal The Mann Bros. Co. Buffalo, N. Y. Minimum Protein 34%."

It was alleged in the libel that the article was adulterated in that a substance deficient in protein had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "34% Protein Pure Old Process Linseed Meal Minimum Protein 34%," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 13, 1929, 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.*

16500. Adulteration of canned sardines. U. S. v. 130 Cases of Sardines. Consent decree of destruction entered. (F. & D. No. 23769. I. S. No. 012509. S. No. 1970.)

On May 13, 1929, the United States attorney for the Southern District of Alabama, 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 130 cases of sardines, remaining in the original unbroken packages at Selma, Ala., alleging that the article had been shipped by the Brawn Co., Portland, Me., January 29, 1929, and transported from the State of Maine into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Commercial Brand American Sardines * * * Packed by the Brawn Co., Portland, Maine."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 7, 1929, the consignees and a representative of the shipper having appeared and requested the destruction of the said sardines, judgment was entered ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*