

16682. Adulteration of canned sardines. U. S. v. 46 Cases, et al., of Canned Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23205, 23206, 23214, 23215, 23223. I. S. Nos. 02220, 02221, 02222, 02257, 02258. S. Nos. 1309, 1310, 1325, 1326, 1328.)

On November 26, December 1, and December 5, 1928, respectively, the United States attorney for the Northern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 500 cases of canned sardines, remaining in the original unbroken packages in various lots, at Atlanta, Newman, and Carrollton, Ga., respectively, alleging that the article had been shipped by the Van Camp Sea Food Co. (Inc.), in various shipments from East San Pedro, Terminal Island, and Wilmington Calif., respectively, between the dates of November 16, 1927 and February 8 1928, and transported from the State of California into the State of Georgia and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Star Tinapa Sardines (or "White Star Brand California Smoked Sardines, Tinapa") * * * Van Camp Sea Food Co Inc."

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

On December 31, 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 by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16683. Adulteration and misbranding of tomato paste. U. S. v. La Sierra Heights Canning Co. Plea of guilty. Fine, \$350. (F. & D. Nos. 22599. I. S. Nos. 20337-x, 20338-x, 23421-x, 24005-x, 24006-x.)

On April 5, 1929, the United States attorney for the Southern District of California, 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 La Sierra Heights Canning Co., a corporation, Arlington, Calif., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about September 28, 1927, and January 10, 1928, from the State of California into the State of Pennsylvania, on or about November and November 17, 1927, respectively, from the State of California into the State of New York, and on or about December 16 and December 29, 1927, respectively, from the State of California into the State of Louisiana, of quantities of tomato paste, which was adulterated and misbranded. The article was labeled in part: "Naples Style Tomato Paste (or "Liberta" Brand Tomato Paste") * * * Packed By La Sierra Heights Canning Co., Arlington, Ca."

It was alleged in the information that the article was adulterated in that a substance, to wit, an artificially colored tomato paste, had been substituted for tomato paste, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomato Paste," borne on the label attached to the cans containing the article, was false and misleading in that the said statement represented that the article consisted wholly of tomato paste, and for the further reason that it was labeled aforesaid so as to deceive and mislead the purchaser into the belief that consisted wholly of tomato paste, whereas it did not so consist but did consist in part of undeclared artificial color.

On April 26, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

ARTHUR M. HYDE, *Secretary of Agriculture*

16684. Adulteration of butter. U. S. v. 117 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 166 I. S. No. 3755-v. S. No. E-4080.)

On July 29, 1922, the United States attorney for the Eastern 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 117 tubs of butter, remaining in the original unbroken packages Brooklyn, N. Y., alleging that the article had been shipped by the New London Creamery Association, New London, Minn., on or about July 11, 1922, and transported from the State of Minnesota 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 a substance, excessive water, had been mixed and packed with and substituted with