

Blended Cheese Swiss \* \* \* Net Weight Eight Ounces \* \* \* Phenix Cheese Corporation \* \* \* New York."

It was alleged in the information that the articles were misbranded in that the statement "Eight Ounces," regarding the butter, and the statements, "Net Weight 3½ Ounces," and "Net Weight Eight Ounces," regarding the respective lots of cheese, borne on the labels, were false and misleading in that the said statements represented that each package contained the quantity of the article declared on the label thereof, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each package contained the quantity of the article declared on the label thereof, whereas they did not, but did contain, in each of a number of said packages, less than so represented. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, in that the quantity stated on each of a number of said packages was greater than the actual contents of the package.

On November 21, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16982. Adulteration and misbranding of walnut meats. U. S. v. 16 Cases of Walnut Meats. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23519. I. S. Nos. 07860, 07861. S. No. 1761.)

On March 26, 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 a libel praying seizure and condemnation of 16 cases of walnut meats, remaining in the original packages at Los Angeles, Calif., alleging that the article had been shipped from Boise, Idaho, on or about March 13, 1929, and transported from the State of Idaho into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part, "Southern California Supply Co.," 6 cases being further labeled in part, "Invincible Brand Shelled California Walnuts Golden Amber Halves and Pieces, Net Contents 50 Lbs. When Packed. Distributed by Southern California Supply Co., Inc., Los Angeles."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged for the 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.

On August 2, 1929, the Southern California Supply Co., Los Angeles, Calif., having appeared as claimant for the property and having filed a good and sufficient bond for the release of the product, judgment of condemnation 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 to secure its reconditioning under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16983. Adulteration and misbranding of cheese. U. S. v. 20 Boxes of Cheese. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 23465. I. S. No. 01308. S. No. 1663.)

On February 28, 1929, the United States attorney for the District of Minnesota, 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 20 boxes of cheese, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by C. A. Linz-meyer, Rock Elm, Wis., January 9, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Factory No. 670 State of Wisconsin Department of Markets No. 1-1704."

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

Misbranding was alleged for the reason that the designation, "State of Wisconsin Department of Markets No. 1," was false and misleading and deceived and misled the purchaser.

On April 2, 1929, Armour & Co., South St. Paul, Minn., having appeared as claimant for the property, 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 \$600, conditioned in part that it should not be sold or disposed of except to a grinder of cheese, to be ground under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16984. Adulteration of dressed poultry. U. S. v. 3 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24331. I. S. No. 028751. S. No. 2596.)**

On December 12, 1929, 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 3 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped by Armour & Co., from New Haven, Conn., on or about November 25, 1929, and transported from the State of Connecticut 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 filthy, decomposed, and putrid animal substance, to wit, moldy, decomposed, sour, and musty birds.

On January 7, 1930, 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.*

**16985. Adulteration of chestnuts. U. S. v. 5 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24304. I. S. No. 028524. S. No. 2551.)**

On December 4, 1929, 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 5 barrels of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Naples, Italy, by Giovanni Rossi, into the State of New York (entered July 11, 1929), 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 whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 7, 1930, 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.*

**16986. Adulteration of mixed nuts. U. S. v. Twenty-five 50-pound Bags, et al., of Mixed Nuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24390. I. S. No. 028759. S. No. 2635.)**

On December 20, 1929, 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 twenty-five 50-pound bags and one 300-pound bag of mixed nuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Higson Brooks & Co., from Para, Brazil, into the State of New York, on or about August 15, 1929, 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, or putrid vegetable substance, to wit, of rancid, decomposed, moldy, and wormy Brazil nuts.

On January 6, 1930, Wm. A. Higgins & Co. (Inc.), New York, N. Y., 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 \$250, conditioned in part that it be sorted to separate the good nuts from the bad, and the latter destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*